UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCIS P. SALEMME, and
PAUL M. WEADICK,

Defendants.

Criminal Action
No. 16-10258-ADB

May 29, 2018

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TRANSCRIPT OF JURY TRIAL DAY 12
BEFORE THE HONORABLE ALLISON D. BURROUGHS
UNITED STATES DISTRICT COURT
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(Appearances continued on next page.)

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P R O C E E D I N G S

(Bench conference.)

(BENCH CONFERENCE SEALED AND REDACTED.)

THE CLERK: All rise for the jury.

(The jury enters the courtroom.)

THE CLERK: Court is back in session. Please be seated.

THE COURT: Welcome back, everybody. I hope you had a great Memorial Day weekend. My apologies for the delay last week. It's difficult communicating with you when you're not here, but I think you all got a message that indicated that one of the central parties in this case was having a medical issue. There was nothing to be done about it.

This has obviously caused us some delay. So to keep you apprised of the schedule, it is the expectation at this point, our hope and our expectation, that we'll have the case to you somewhere June 13, 14, 15, in that vicinity. We're working hard to sort of keep the schedule on track and catch up where we can.

If that scheduling causes anybody any concerns, let Karen know and we'll see what we can do with that for you. Thanks for being here on time. Hopefully we're back on a regular schedule starting today. Mr. Boozang, I believe you're on cross.

MR. BOOZANG: Yes, Judge, briefly.

CONTINUED CROSS EXAMINATION

BY MR. BOOZANG:

Q. Good morning, Mr. Walther.

A. Good morning.

Q. When we left off about a week or so ago, one of the things that we were talking about were certain photos that was put into evidence.

Do you recall those?

A. Yes.

Q. I believe that three out of the five photos had dates on them. Five photos, three of them had dates. Do you recall the other two did not?

A. Date and times, yes.

Q. One of the things that you testified on direct with Mr. Wyshak, I believe, was that you didn't -- some of the dates may not be accurate or times, correct?

A. That's correct. That's correct.

Q. And that would be because some of the cameras or so would be put away until you needed to develop them or finish the roll, correct?

A. That's correct.

Q. Now, when you had indicated that the pictures covered a period of 1988 of 14 Marie Ave., that's Frank Salemme's former house, correct?

A. That's correct.

Q. The time period was 1989 -- excuse me -- 1988 to 1995, correct?
A. That's correct.
Q. As you sit here today, sir, you have no independent memory or recollection as to whether those pictures cover those particular years particularly, do you?
A. No.
Q. So you don't know whether the pictures would be in 1990, 1989 or 1991, correct?
A. That's correct. That's correct. I may have initialed the back of the photograph, put a date on it.
Q. It's a long time ago. I understand. Could we have 177.

Sir, what's on your screen to your right, that's Exhibit 177, correct?
A. Yes.
Q. Again as you sit here today, sir, you have no independent recollection or specific memory as to whether or not that house looked the same from 1988 to 1995. Isn't that true?
A. I seem to recall a surveillance in 1993 I was down there, but --
Q. Sir, as you sit here today you have no independent recollection as to whether or not that house looked the same from 1988 to 1995; isn't that correct?
A. That's correct.
Q. Also before we left how Mr. DiSarro -- how you had

stopped him when he was coming out of Jacques, the men's bar in the Back Bay, correct?
A. I followed him to there, yes.
Q. And then you spoke to him, correct?
A. Yes.
Q. And you're aware that the owner of the Jacques Bar, the gay men's bar, at that time was a man named Henry Vara, correct?
A. Yes.
Q. And Mr. Vara was, in fact, one of the individuals that Mr. DiSarro was trying to get to invest into The Channel at that time, correct?
A. We had some of that information, yes.
Q. And when we spoke about Mr. Thomas Hillary, he was at a safe house, correct?
A. He's what?
Q. Thomas Hillary?
A. Yes.
Q. And he was a witness and also a defendant in the Dramex case?
A. Yes.
Q. That was a case that involved Mr. Hillary, correct?
A. Yes.
Q. Frank Salemme, Jr., correct?
A. Yes.

Q. And a couple of Teamsters?
A. Yes.
Q. And Mr. Salemme, Sr., was not charged in that case, correct?
A. That's correct.
Q. Now, when we spoke about being at the safe house, you said nobody had, in fact, found you, correct?
A. That's correct.
Q. In fact, sir, nobody was interested or you received no information that anybody had any interest whatsoever to try to locate Mr. Hillary, correct?
MR. WYSHAK: Object to the form of the question.
A. I would say no --
THE COURT: Hold on a second. That's overruled.
BY MR. BOOZANG:
Q. So your answer is no, sir, that you had no information at that time that anybody tried to locate Mr. Hillary, in fact, from Mr. Salemme's crew, correct?
A. I'm trying to recall.
Q. That would be something you would recall, sir?
A. Yes.
Q. And you just said that nobody, in fact, had tried to locate him, correct?
A. As far as I was aware, yeah.
Q. So that would also -- when I say everybody, that would

include Mr. Salemme and his crew, correct?
A. That's correct.
MR. BOOZANG: No further questions. Thank you.
MR. CROWE: May I, Your Honor?
THE COURT: You may.
CROSS EXAMINATION
BY MR. CROWE:
Q. Good morning, Mr. Walther.
A. Good morning, sir.
Q. My name is William Crowe. I represent Paul Weadick. How are you?
A. Good.
Q. Now, sir, I believe your testimony on direct was that you were involved with a specific group, an organized crime team, back between 1988 and 1995. Is that a fair statement?
A. Yes.
Q. And during that period of time you did an extensive amount of surveilling?
A. Yes, I did.
Q. A lot of that had to do apparently with Mr. Salemme, Sr., who sits here in court today?
A. Yes.
Q. You filed hundreds and hundreds and hundreds of surveillance reports?
A. I don't know the exact amount.

Q. You filed a lot of surveillance reports?
A. There was a lot, yes.
Q. Any time you conducted a surveillance at the end of the day or the next few days you would write it up and put in a 302 surveillance report?
A. That's correct.
Q. Some of those reports that you referred to you indicated had indications of perhaps Mr. Weadick or his vehicle was part of your surveillance. Is that a fair statement?
A. Yes.
Q. And you went through a handful of those when you were on direct. Do you remember that?
A. Yes.
Q. Do you have those reports with you today?
A. I don't have anything here with me.
Q. You had them on direct. Is that a fair statement?
A. Yes.

MR. WYSHAK: I can give him the package back, Your Honor.

MR. CROWE: That would be helpful.

BY MR. CROWE:

Q. And one of those surveillance reports that you heard you reference or I was allowed to look at during a recess involved references Bates numbers 1728 -- strike that.

Let me just make sure that's right. Yes. 176 --

17776, and it's dated on the top March 22 of '89. And it references a March 21 surveillance.

A. Yes.

Q. Do you have that report?

A. Yes.

Q. By the way, the group of reports that you brought were primarily from 1989 to about 1991, or at least the ones you discussed on your direct testimony, if you remember?

A. Yes.

Q. So, for example, one of the reports, this 17776 from March 21, there's an indication, I believe, of a Buick Electra at 2:58 p.m., 761PEB. And I think you said that that was connected to Mr. Weadick?

A. That's correct.

Q. In that report that goes on for three pages, there's no reference to seeing Mr. Weadick, is there?

A. That's correct.

Q. And the reference that is made there indicates that you visualized a particular Buick Electra with that license plate at 2:58 p.m. near Fleet Street. Fair statement?

A. Yes. Yes. I just observed the vehicle parked there, yes.

Q. Were you aware that Mr. Weadick was living at that time at the corner of Fleet and North?

A. I don't recall that.

Q. Did you know where he was living?
A. I don't recall knowing where he lived. I just had the registration on the vehicle, a Burlington address.
Q. Just to quickly look through a few others, would you take a look at Bates number 17286 and 286 from March 25, 1989.
A. Okay. I got that.
Q. There's no indication that you observed Mr. Weadick in that particular date, is there, on March 25 of '89?
A. No.
Q. And next would you take a look at another reference that was made which was Bates number 17806 from April 10. The report was drafted, I believe, or transcribed on April 18. No indication of Mr. Weadick in that report, is there?
A. No. Just the vehicle.
Q. And again if you'd look, please, at 17807, Bates 17807 from April 11 of '89. That's another report I believe you have there.
A. Yes.
Q. No reference to Mr. Weadick?
MR. WYSHAK: Objection.
THE COURT: Basis?
A. Is this the report --
THE COURT: Hold on, Mr. Walther. Hold on one second.
MR. WYSHAK: I think it unfairly characterizes the

report.

MR. CROWE: I'll strike that question, Your Honor.

THE COURT: Okay.

BY MR. CROWE:

Q. I'm referencing 180829, a very short report. Which actually as I see it is Steffen's report, but you are listed as the other investigator or the other special agent. There's a reference there in that report on February 7 that jumps up to '91. There's a reference of surveillance at 300 Erin Road?

A. Yes.

Q. No indication of Mr. Weadick?

A. No.

Q. In 18037 in March 4, '91. Again no indication of Mr. Weadick?

A. That's correct.

Q. If I may, sir, you did indicate photographs that were taken in conjunction, I believe, with your surveillance on April 4 of 1989. And if we could, if I have that right, could we have Exhibit 87, please.

Do you see that exhibit on your screen, sir?

A. Yes.

Q. And that's one of the photographs you indicated that in your opinion depicted Paul Weadick. Is that true?

A. That's correct.

Q. And do you see the date on that photo, the date stamp?
A. Well, it has a 4 and it has 15:48.
Q. Okay. Would you they be look, please, at the next in the sequence, Exhibit 88.
A. Yes.
Q. That's another picture you testified on direct related to Mr. Weadick. Is that your opinion on that?
A. Yes.
Q. And that, sir, the time stamp says 4:15:58. Is that a fair statement?
A. Yes. A 4 and then a 15:58.
Q. And finally, sir, the other picture was from Exhibit 89. And then it says 4:16:09.
A. That's correct.
Q. Those were all taken at the same day. Fair statement?
A. Yes.
Q. All within a span of maybe 20 minutes or so?
A. Yes.
Q. And that day was back in April 4 of 1989?
A. Yes.
Q. You didn't present any other photographs of Mr. Weadick since that time?
A. I don't believe so, yeah.
Q. During your surveillance period back in 1993, is it fair to say that you spent a certain amount of time doing

surveillance at The Channel?
A. I did.
Q. And do you remember seeing Stephen Flemmi at The Channel?
A. Yes.
Q. And did you have the ability to identify him as somebody you were familiar with?
A. Yes.
Q. Did you see Stephen Flemmi at times when Mr. DiSarro was also at The Channel?
A. I believe so, yes.
Q. And, sir, if I could, do you have with you Bates stamp 4603? You may not. If I don't I'll be happy to show it to you.
A. What's the date of the investigation?
Q. The date on that report is 3/16/93, both the date of transcription and the date of the report.
A. Yes. I have that report.
Q. And that's what you call a 302 report?
A. Yes.
Q. Now, in that report, your second entry, do you indicate that you noticed that Mr. Flemmi arrived at The Channel and entered The Channel?
A. Yes.
Q. And then within about 28 minutes later Mr. DiSarro arrived and entered The Channel?

A. Yes.
Q. And by the way, there's no reference, I believe, on that report, is there, to Mr. Weadick?
A. No.
Q. Now, sir, you also testified that at some point, you weren't specific on the date, but I think you said close in time perhaps, to May of '93 that you made an approach to Mr. DiSarro? You said you spoke to him about --
A. Yeah. That was in March 16.
Q. March 16?
A. Yes.
Q. And so that's the same date of the 302?
A. Yes.
Q. Now, there's no reference in that 302 that you made an approach to Mr. Flemmi -- I mean to Mr. DiSarro, is there?
A. No.
Q. And did you write any other reports about your approach to Mr. DiSarro?
A. No.
Q. Nothing confidential or otherwise reporting it up the line?
A. Nope. I was just concerned about security and I --
Q. That's all right.
A. Yes.
Q. I'm just asking.

A. No.
Q. That was the last time or maybe the only time you spoke to Mr. DiSarro?
A. It was.
Q. And did you testify on direct that it was a late night approach?
A. I don't know what that means "late night approach".
Q. The time you spoke to Mr. DiSarro?
A. Yeah. I think it was early evening. It was between 8:15 and 9:33 on the 16th.
Q. And that's based on your review of this report that you just looked at?
A. Yes. Yes. Yes.
Q. So that was March 16. Did you see Mr. DiSarro after March 16?
A. I did not.
Q. So between the alleged date of his disappearance which would have been May 10 of '93 and March 16, and going back in time, you had no contact of visualization of Mr. DiSarro.
A. Well, every call -- I don't have any reports that I observed him here. I may have. But I know I didn't talk to him, and he didn't call me.
Q. Let's put it this way: You agree with me, sir, that there are no reports between May 16 of '93 and May 10 of '93 in regards to you and Mr. DiSarro?

MR. WYSHAK: Objection.
BY MR. CROWE:
Q. In none of your reports?
MR. WYSHAK: March 16?
BY MR. CROWE:
Q. I'm sorry.
A. March 16, yes.
Q. I apologize.
A. Yes.
Q. From March 16 of '93 to May 10 of '93, there's nothing reported that you wrote in any 302's or otherwise in regards to Mr. DiSarro?
A. I know I didn't talk with him. Whether I observed him during that period of time, I can't --
Q. I'm asking about reports. Do you have your reports?
A. No reports here, no.
Q. You also testified that you were extensively involved with investigating Thomas Hillary.
A. Yes.
Q. And involved and deeply involved with him in getting him to testify against other members of organized crime?
A. Yes.
Q. And, sir, were you made familiar with a whole series, for lack of a better word, a group of bookies out in the middle part of the state around Framingham, let's say, who

Mr. Hillary had approached?

A. Possibly. I don't recall the reports themselves.

MR. CROWE: May I approach the witness, Your Honor?

THE COURT: Yes.

BY MR. CROWE:

Q. Sir, I'm going to show you a report and just ask you, first of all, if you recognize the name at the bottom of the report.

A. That's my name and another agent's name.

Q. Okay. And those are the two agents that were working on the Hillary investigation?

A. Partially. Actually there's three agents there that were witness to this conversation with Mr. Hillary.

Q. And can you tell us what the date is on that report, please?

A. Well, it has August 1, '92, through November 3, 1992. So apparently it was a couple of days.

Q. It was an ongoing communication with Mr. Hillary?

A. Yes.

Q. And if you just flip the pages and quickly reference a few of the highlights, the areas I've tabbed. I'm going to ask you the same question, whether or not Mr. Hillary talked to you about a series of bookmakers that he approached for criminal purposes.

A. Yes.

Q. I'm not going to quiz you on each and every one, but there were several named bookmakers that Mr. Hillary discussed with you that he was approaching for purposes of securing funds from them.

Is that a fair statement?

A. Yes.

Q. And in this report you indicated several of those bookmakers by name?

A. Yes.

Q. And I also noticed that you made reference -- First of all, nowhere in that Hillary report and the reference about his activities is Paul Weadick involved.

Is that a fair statement?

A. No. Not that report, no.

Q. It's not a fair statement or --

A. It is a fair statement, yes.

Q. All right. And, in fact, there were a couple of references to Mr. DiSarro being involved with Mr. Hillary?

A. Yes.

Q. Approaching bookmakers?

A. Yes.

Q. Assisting Mr. Hillary?

A. Yeah. They were close friends from my understanding, yes.

Q. And they were proposing putting poker machines in various

barrooms and so forth?
A. Yes. Yes.
Q. Again this report includes a reference to an August 1990 meeting that Mr. Hillary talked about I believe it was at a Chinese restaurant in which it ended very badly for Mr. Hillary.
Do you remember that part of your investigation?
A. Yes. I seem to recall.
Q. And, sir, he indicated that people present at that -- he identified several of the people present at that meeting, right?
A. Yes.
Q. And that included Mr. Salemme, Jr.?
A. Okay. Yes.
Q. Do you agree with me?
A. Yes.
Q. Mr. DeLuca?
A. Yeah --
MR. CROWE: May I approach, Your Honor?
THE COURT: Yes.
BY MR. CROWE:
Q. Same report.
A. Yes.
MR. CROWE: May I remain here for a minute, Judge?
THE COURT: You may.

BY MR. CROWE:

Q. He referenced Mr. Salemme, Jr.?

A. Yes.

Q. Mr. DeLuca was present?

A. Yes.

Q. Steven DiSarro was present?

A. Yes.

Q. Harpo Garabedian was present?

A. Yes.

Q. A fellow by the name of Rico was present?

A. Rico, yeah.

Q. Hanrahan was present?

A. Yes.

Q. O'Brien was present, Snell and Mello?

A. Yes.

Q. And several unknown agents. That's what the report reads?

A. Yes.

Q. Mr. Weadick was not part of that group?

A. No.

Q. I don't remember if you did. You were aware of the bank fraud investigation that was going on in regards to Mr. DiSarro?

A. Yes, I was.

Q. About that '92 timeframe?

A. Yes. Yes.
Q. And you were involved in that yourself, in part of the investigation?
A. Well, they had a separate agent assigned to that particular investigation. I was aware of it because it concerned Mr. DiSarro.
Q. And did you maybe write some reports about it?
A. I probably may have wrote the general nature of the investigation.
Q. Fair to say that that was criminal activity you were investigating that had absolutely nothing to do with Paul Weadick?
A. That's correct.
Q. Sir, you were also doing some investigation around the licensing issues that The Channel was experiencing back in late '92?
A. Yes. We issued some subpoenas for records.
Q. You issued and received records as to the licensing process?
A. Yes.
Q. Transfer process and so forth?
A. Yes.
Q. And would you agree with me, sir, that there was a period of time during which The Channel was actually closed back in at least late '92?

A. I believe it was, yes.
Q. And during that investigation did you learn a little bit about the fact that Mr. DiSarro was involved with a group that was trying to purchase The Channel?
A. Yes.
Q. And the liquor license involved?
A. Yes.
Q. And were you aware that at least as of late '92 there were still problems going on as far as opening The Channel related to licensing?
A. Yes. Yes.
Q. And did you write a report that indicated, and this is Bates 4597, that it was around October 14 of '92 that the Alcoholic Beverage Control Commission approved a transfer of license from the Red E Corporation to James Madison, Inc.?
A. What report were you referring to?
Q. It's Bates number 4597. If you don't have it, I'll be happy to share mine with you.

MR. CROWE: May I approach, Your Honor?

THE COURT: You may.

BY MR. CROWE:
Q. Mr. Walther, so first of all take a look at that report. Would you agree with me the initial line says, "The following investigation was conducted by SA Robert Walther?"
A. Yes.

Q. And with the assistance of my little sticky here, would you tell me whether or not you agree that there was still a licensing transfer going on as late as October 14 of '92 from the Red E Corporation to the James Madison Group?
A. It indicated on October 14, '92, the transfer of the business license from Red E Corporation to James Madison, d/b/a, the Showboat was approved.
Q. And Red E Corporation were the fellows that opened The Channel or at least the rights to The Channel prior to DiSarro's coming in?
A. Yes.
Q. And I think, did you read the bit about The Channel d/b/a the Showboat or something like that?
A. Yes. Yes.
Q. And then did they eventually change that name or delete the reference to the Showboat on the next page? And instead of doing business as the Showboat, they were going to do business as The Channel?
A. That's correct.
Q. And that was on October 30 of '92?
A. October 30, 1992, yes.
Q. Sir, during your investigation in general of what was going on at The Channel, did you make attempts to investigate by interviewing Roland Wheeler?
A. I believe I did talk to Mr. Wheeler.

Q. And is it fair to say that on multiple occasions Roland Wheeler refused to cooperate in your investigation? And that, in fact, you wrote a report about that Bates 17317 dated 10/8/93, October 8 of '93?

MR. WYSHAK: I object to this. It's beyond the scope of direct. Calls for hearsay.

THE COURT: That's sustained.

BY MR. CROWE:

Q. Well, you agree with me that you at least attempted to speak with Mr. Wheeler on multiple occasions?

A. Yeah. I know I talked to him at least once.

MR. CROWE: Could I approach the witness, Your Honor?

THE COURT: Yes.

BY MR. CROWE:

Q. If you could take a look at that report, sir. Have you reviewed that report?

A. Yes.

Q. Does that refresh your recollection of approaches you made to Mr. Wheeler?

A. Yes.

Q. And did he refuse to cooperate on multiple occasions?

MR. WYSHAK: I object. It's the same objection.

MR. CROWE: May we approach side bar?

THE COURT: Yes.

(Bench conference held.)

MR. CROWE: Your Honor, as an offer of proof, this is the individual who was the titular head of The Channel. He was the fellow who was the license owner, at least the person on the liquor license. He is an upcoming significant witness of the government's, and I'm referring to the witness Roland Wheeler. I'm not asking him for the specific content. I'm just asking for the fact that he was reluctant to cooperate with this detective.

MR. WYSHAK: Well, first off, he is soliciting hearsay by asking the witness essentially what a third party said. So it is hearsay. Mr. Wheeler will be here to testify. He can ask Mr. Wheeler. And then if he believes that Mr. Wheeler made an inconsistent statement with the prior statement recorded by the agent, he can recall the agent to try to collaterally attack Mr. Wheeler's testimony. But he can't do it at this juncture. He's assuming Mr. Wheeler is going to deny that, I assume.

THE COURT: What you can do is you can ask him if he approached Mr. Wheeler about cooperating and if thereafter Mr. Wheeler cooperated, but you can't elicit from him what Mr. Wheeler said to him.

MR. SHEA: If I might just chime in. He's not so far -- I don't believe he's asked specifically what Mr. Wheeler said.

MR. CROWE: Exactly.

MR. SHEA: He's taking his general impression. Meaning he didn't cooperate with me. It's not hearsay for him to testify about his impression of his encounter with Mr. Wheeler because that's his own statement.

THE COURT: I just made the ruling. As long as he's not eliciting hearsay, he can elicit what he said, and he can elicit what happened thereafter, and he can elicit his impressions of it but not to the extent that it's hearsay.

MR. CROWE: Fine.

(End of bench conference.)

BY MR. CROWE:

Q. Having reviewed the report that I showed you, Mr. Walther, you do you agree that you made a couple of approaches to Mr. Wheeler?

A. Yes, I did.

Q. You made an investigative effort to speak with him?

A. Yes.

Q. And did he cooperate with you?

A. No.

MR. CROWE: I have no further questions.

REDIRECT EXAMINATION

BY MR. WYSHAK:

Q. Good morning, Mr. Walther.

A. Good morning.

Q. You were asked some questions about 14 Marie Avenue. Do you recall?
A. Yes.
Q. And can you tell us why you were from time to time surveilling that location?
A. That's where Mr. Frank Salemme, Sr., was living.
Q. And at some point he moved from there; is that correct?
A. Yes.
Q. And do you recall when?
A. I don't.
Q. I think there's a report in your file there?
A. Yes.
Q. Regarding --
A. We went to the residence on a particular day, yes. That was on February 7, 1991.
Q. So by February '91 he was no longer living there; is that correct?
A. Yes.
Q. And based upon that, did your surveillance activity at 14 Marie Avenue diminish?
A. Yes. I don't know how much, but yeah, we didn't go down there.
Q. And directing your attention to early 1992. Were you assigned to the case involving Thomas Hillary?
A. Yes.

Q. And can you tell us, again -- well, withdrawn.

How much of your time was consumed participating in that investigation?

A. Particularly after August, 100 percent.

Q. Okay. And prior to August?

A. I had various duties, investigative duties. Probably 50 to 75 percent.

Q. Now, again, based upon your recollection of the appearance of 14 Marie Avenue --

A. Yes.

Q. -- during the period of time that you were going by there, did you notice any significant changes to the residence?

A. No, I did not.

Q. Now, you were asked by Mr. Boozang about the case involving Mr. Hillary. And he asked you whether or not Mr. Salemme was charged in that case.

Do you recall that question and answer?

A. Yes.

Q. Did there come a time when Mr. Salemme was charged with those violations?

A. In regards to the Dramex?

Q. Yes.

A. I just don't recall.

Q. Could we put what's marked for identification government

Exhibit 137. We don't need that. You can take that down.

Do you recall that Mr. Salemme was indicted by the government at some point in time?

A. Yes.

Q. Okay. Do you recall when that was?

A. Not specifically.

MR. BOOZANG: When you say Mr. Salemme, you mean Junior?

MR. WYSHAK: No. Mr. Salemme.

MR. BOOZANG: Which one? In the Dramex case?

BY MR. WYSHAK:

Q. Do you recall that Mr. Frank Salemme was ultimately indicted as a result of your investigative activities as well as the investigative activities of other members of your squad?

A. Yes.

Q. And do you recall when that was approximately?

A. '93. I just don't --

Q. You can't recall that?

A. No.

Q. Okay. You were asked about this man Henry Vara?

A. Yes.

Q. Did you know Henry Vara?

A. Not personally. Mr. Hillary talked about him.

Q. And you were asked about the fact that Mr. Weadick was

residing on Fleet Street in the North End? Do you remember that question?

A. Yes.

Q. And you surveilled Mr. Weadick's vehicle on numerous occasions; is that correct?

A. Yes.

MR. SHEA: Objection. Motion to strike. Leading.

THE COURT: That's sustained.

BY MR. WYSHAK:

Q. Okay. How often did you see Mr. Weadick's vehicle?

A. Over several months in 1993. No, no wait. That was 1989. Excuse me. 1989.

Q. And you surveilled that vehicle?

A. Several occasions we picked up that vehicle.

Q. Okay. More than one license plate?

A. Yes.

MR. CROWE: Objection, Your Honor.

THE COURT: That's overruled.

BY MR. WYSHAK:

Q. And did you run those plates?

A. Yes. We ran all the plates.

Q. And what was the residence -- withdrawn.

When you ran the registration for those plates, where did Mr. Weadick tell the Registry he resided?

MR. CROWE: Objection.

THE COURT: Basis?
MR. CROWE: The form of the question, Your Honor. Where did Mr. Weadick tell the Registry?
THE COURT: Sustained.
BY MR. WYSHAK:
Q. Where did the Registry reflect that Mr. Weadick resided?
A. In Burlington, Massachusetts.
Q. And based upon your -- just for the record, Your Honor. Showing you what's been marked your report of March 1, 1989, Bates 17686. What's the address in Burlington?
A. Excuse me?
Q. What is the address in Burlington?
A. 4 Glenwood Street in Burlington.
Q. And based upon your understanding of how the Registry obtains that information, can you tell us what your understanding is?
MR. CROWE: Objection, Your Honor.
THE COURT: Basis? Why don't you establish a better foundation.
BY MR. WYSHAK:
Q. Did you ever register your own vehicle with the Registry?
A. Well, not in Massachusetts.
Q. Okay. Are you familiar with registering a vehicle?
A. Yes.
Q. During the course of being an FBI agent, have you had

occasion to investigate the registrations of vehicles?
A. Yes. Yes.
Q. How many times?
A. Hundreds. I don't know.
Q. Are you familiar with how the registration process worked in Massachusetts?
A. Yes.
Q. How did it work?
A. Well, you have to provide identification as to the residence where you're residing to register a vehicle.
Q. The individual who owns the vehicle?
A. Yes.
Q. And during the course of your investigation and surveilling these vehicles, did you ever see a Fleet Street address show up at the Registry for Mr. Weadick?
A. No.
Q. And you were asked about this bank fraud investigation involving Mr. Hillary.
A. Yes.
Q. I'm sorry. Mr. DiSarro.
A. Yes.
Q. Can you tell us why you got involved in that investigation?
A. Well, in early '93 I was focusing on Mr. DiSarro and found out through our office systems that he was under

investigation for bank fraud.
Q. Can you tell the jury why that was an important fact for you?
MR. CROWE: Objection.
THE COURT: Basis?
MR. CROWE: Relevance. What does it matter whether it was an important fact for him?
MR. WYSHAK: It's highly relevant.
THE COURT: That's overruled.
BY MR. WYSHAK:
Q. Why was that important to you?
A. Well, I wanted to get Mr. DiSarro to cooperate with the government.
Q. Why was the fact that he was under investigation for bank fraud a helpful fact for you?
A. Well, to provide leverage. He was associating with Mr. Salemme and his crew of people, and I could approach him with that fact.
Q. Were you trying to get him to cooperate on the bank fraud case?
A. No.
Q. What were you trying to get him to cooperate about?
A. On information regarding his association and dealing with Mr. Salemme and The Channel.
MR. WYSHAK: Nothing further.

RECROSS EXAMINATION

BY MR. BOOZANG:

Q. Mr. Walthers, do you recall the questioning by Mr. Wyshak as to having no significant changes to 14 Marie Ave. in Sharon?

A. Yes.

Q. And you had indicated that you didn't notice any significant changes, correct?

A. Yes.

Q. But your testimony, sir, was from 1988 to some time in '91 your focus was on 14 Marie Ave.,correct?

A. Yes.

Q. And then it changed in 1991 to 300 Erin Road in Stoughton, correct?

A. Yes.

Q. And that's because Frank Salemme had separated and divorced from his wife, correct?

A. That's my understanding, yes.

Q. And ultimately he married another woman named Donna Wolf, correct?

A. Okay, yes.

Q. And she lived at 300 Erin Road, correct?

A. Yes.

Q. And that was in Stoughton, another town over from Sharon?

A. Yes.

Q. So the focus from 14 Marie Ave. in '91 shifted to 300 Erin Road, correct?
A. No. Frank Salemme, Jr., was still going down to 14 Marie Avenue.
Q. I understand.
A. Yeah.
Q. But your focus was on Senior at the time, correct?
A. Partially.
Q. So you wouldn't -- you can't sit here today, sir, and say you have any independent recollection of whether or not there were any significant changes to the front of the house?
A. Well, I was down there on March 16, 1993, and there was nothing changed at that time.
Q. Sir, you sat here when I asked you on cross examination and said you had no independent that there were any changes to the house.
A. Yes.
Q. So how can you say now that you were down there in March of '93, and that you noticed that there were no significant changes? How can you say that, sir?
A. Well, there was a surveillance report on March 16, '93 --
MR. WYSHAK: Objection.
THE COURT: Overruled.
A. -- that I indicated I went down there.
BY MR. BOOZANG:

Q. I understand. In that surveillance report, did it indicate there were no significant changes or any reference to the structure of the house? Yes or no, sir.
A. No.
Q. So that's something you wouldn't have noticed, correct?
MR. WYSHAK: Objection.
A. I think I would have, yes.
THE COURT: Basis, Mr. Wyshak?
MR. WYSHAK: I withdraw.
THE COURT: Go ahead. You can answer the question, Mr. Walther.
A. Yes. I think I would have noticed any significant changes. Not to the interior of course. But, you know, there was a garage on the left side of the house. It was a ranch.
BY MR. BOOZANG:
Q. But you didn't notice anything?
A. No.
Q. And you didn't note it in your report?
A. That's correct.
Q. And that's something that you would have noted in your report, correct?
A. Yes.
Q. Now, you talked on redirect about having leverage on Mr. DiSarro, correct?

A. Yes.
Q. In order to get somebody to cooperate with you, you have to have leverage typically?
A. Typically, yes.
Q. Typically they don't come and beat your door down and they want to cooperate, right?
A. Right.
Q. Mr. DiSarro didn't appear to be interested in cooperating, correct?
A. He never called me back. That's for sure.
Q. Would you take that as a no, he wasn't interest?
A. No.
Q. Right?
A. Yes.
Q. So let's say it's at this end here, a no. Are you with me?
A. Yes.
Q. Then you have Thomas Hillary where you didn't have to go to him, he came to you, correct?
A. That's correct, yes.
Q. He called the local office, correct?
A. Yes. Yes.
Q. And then within a week you flew down and saw him, right?
A. Yes.
Q. He volunteered all kinds of information and you didn't

have to have any leverage against him, correct?
A. No.
Q. Now, the folder that you have before you, sir, I notice there's not many pages. Would you say 25-30 pages in there?
A. That's correct.
Q. Now, there were hundreds of surveillances, correct?
A. There was a lot of them.
Q. A lot more than what's in that folder, correct?
A. Yes.
Q. And did you pick and choose those particular 302's in the surveillance reports? Did you pick those ones to come to court today?
A. No.
Q. Who gave those to you?
A. Mr. Wyshak.
Q. Were you able to look at all of your surveillance reports and the agents on your team?
A. No.

MR. BOOZANG: Could I have a moment, Judge?
THE COURT: Yes.
MR. BOOZANG: Nothing further, Judge.
MR. CROWE: Briefly, Judge.

RECROSS EXAMINATION

BY MR. CROWE:
Q. Mr. Walther, Mr. Wyshak asked you a few questions about

automobile registrations in Massachusetts. Do you remember those?

A. Yes.

Q. Okay. And would you agree with me that there are several people that move from location A to location B and don't get around to notifying the Registry that they have moved?

A. I'm sure that's the case, yes.

Q. And are you aware of people, let's say young men, moving in with their girlfriends and not telling the Registry they have moved in with their girlfriend?

A. That's correct.

Q. New location?

A. Yes.

MR. CROWE: I have no other questions.

MR. WYSHAK: I have one. I believe Mr. Boozang opened the door on this. Just one question.

THE COURT: One.

FURTHER REDIRECT EXAMINATION

BY MR. WYSHAK:

Q. At the time Mr. Hillary cooperated, was he under arrest?

A. Yes.

THE COURT: Would either one of you like one more as well --

MR. BOOZANG: I'm not going to bother, Judge.

THE COURT: -- in response to that?

MR. CROWE: No.

THE COURT: They're going to call their next witness, and if you all want to stand up a little bit, go ahead.

MR. FERLAND: Robert DeLuca, please, Your Honor.

THE COURT: We're going to take a ten-minute break.

THE CLERK: All rise for the jury.

(The jury exits the courtroom.)

THE COURT: Can I see counsel at side bar?

(The following was held at sidebar.)

THE COURT: Are you putting the jurors up to asking for bathroom breaks so you can get out more frequently?

MR. BOOZANG: You didn't see the sign.

THE COURT: I misspoke this morning on which juror has the travel plans on the 6th. It's Juror 16, not Juror 17. Just to clear that up.

And the second thing is they're putting on DeLuca. I haven't made the *Petrozziello* findings yet. They don't need to be made until the close of the government's case. The burden remains on the government to prove Mr. Weadick's participation in the conspiracy. So you sort of remain at your peril on putting in this evidence now before you've made that showing.

MR. FERLAND: Understood.

THE COURT: Same as the order I issued before.

MR. WEINSTEIN: Do we need to make one while in session the objection for the hearsay? Would making it now be sufficient for the record?

THE COURT: Yes. You have a continuing objection to the statements that Mr. DeLuca is going to make, that would be individual hearsay but for the co-conspirator exception.

MR. WEINSTEIN: Thank you.

MR. SHEA: For both parties?

THE COURT: Yes.

MR. WYSHAK: Just for the record regarding Mr. Salemme, it's a statement of a party opponent. It doesn't have to qualify as a co-conspirator statement.

THE COURT: That's true. He's right about that.

MR. WEINSTEIN: Certain of the statements might be and certain of them are not.

MR. CROWE: It depends on the statement.

THE COURT: It is my understanding that all of the statements are admissible as co-conspirator hearsay statements if they make the required *Petrozziello* showing. I have not made a finding on that yet. I think my prior order made clear what their obligation is on that. I think they're aware of it. They've decided to go with this order of proof anyway, and I think they understand the situation.

(End of bench conference.)

THE CLERK: All rise for the jury.

(The jury enters the courtroom.)

THE CLERK: Court is in session. Please be seated.

THE COURT: Mr. Ferland, call your witness and then she'll swear him in.

MR. FERLAND: Thank you, Your Honor. Robert DeLuca.

THE CLERK: Could you please stand and raise your right hand.

(ROBERT P. DELUCA, SR., duly sworn by the Deputy Clerk.)

THE CLERK: Thank you. You may be seated. Can you please state your name and spell your last name for the record.

THE WITNESS: Robert P. DeLuca, Sr. Capital D-E-L-U-C-A.

DIRECT EXAMINATION

BY MR. FERLAND:

Q. Mr. DeLuca, could you tell us how old you are, please.

A. 72.

Q. Where did you grow up?

A. I grew up in the north end of Providence.

Q. Do you have brothers and sisters?

A. Yes, I do.

Q. How many?

A. Three brothers and four sisters. Two are deceased.
Q. Are you close with your brothers?
A. Very close.
Q. Are you close with your brother Joe?
A. Very close.
Q. Did you two spend time together growing up in the North End?
A. Yes, we did.
Q. Did you run in the same circles?
A. We did.
Q. Sir, did there come a time when you were growing up there in Providence that you became involved in criminal activities?
A. Yes, I did.
Q. And could you share with us the type of criminal activities you found yourself involved in?
A. Gambling, buying and selling stolen goods, stealing a little, going on the road, boosting, you know, record albums. Things like that.
Q. Okay. And in your involvement in -- in this criminal activity, did you run into any folks that you saw as organized crime figures?
A. Yes, I did.
Q. And do you recall who you associated with early on that you considered to be organized crime figures?

A. Down where I was there was Eddie Romano. They used to call him Eddie Mulligan. His brother Joe, Louie, Charlie Ruggiero, his two brothers Sandy and Rex. And that's at my early age.

Q. Sure. And at the early age when you came to know these organized crime figures, did you know anything about the hierarchy, the leadership of the organization?

A. I did myself.

Q. And when you became involved in organized crime at your early stages, who was the boss?

A. Raymond Patriarca, Sr.

Q. Did he have a son?

A. Yes, he did.

Q. What was his name?

A. Raymond Patriarca, Jr.

Q. And what was his nickname?

A. They used to call him Rubber Lips.

Q. Other than Rubber Lips, did he have any other nickname?

A. Junior.

Q. Junior. Okay. Now, in your activities with these organized crime figures, did you get to meet additional organized crime figures outside of the Providence area?

A. Yes, I did.

Q. And do you recall, sir, or did you ever meet a man by the name of Frank Salemme, Sr.?

A. Yes, I did.
Q. Do you recall when it was approximately that you met Frank Salemme, Sr.?
A. I believe it was -- it was in the late part of '90, late part of '89 or '90, something like that, I believe.
Q. Late '89 or '90?
A. Yeah.
Q. And who was the boss of organized crime when you first met Mr. Salemme?
A. Raymond, Jr. -- Raymond Patriarca, Jr..
Q. And do you recall, sir, under what circumstances it was that you came to meet Mr. Salemme?
A. I happened to be up at -- Raymond Patriarca, Jr., he was developing land. And I didn't live too far away from him. And I used to stop there sometimes on the way home at night, late afternoon, say hello to him. And I happened to go there that afternoon, and Frank was there with him and he introduced me to him.
Q. What town was that in, sir?
A. Lincoln.
Q. What was that development called, do you recall?
A. Bridlewood.
Q. And so, tell us about the circumstances that you met Mr. Salemme there at Bridlewood.
A. I just happened to be there to say hello to Raymond, and

he was there, and he introduced me to Frank Salemme.
Q. So that was the first time that you met him?
A. Yes.
Q. Had you heard of him prior to that meeting?
A. Yes, I did.
Q. Had you heard of him through other individuals associated with the La Cosa Nostra?
A. Yes, I did.
Q. Okay. Let me see if I can orient you sort of timewise. Do you recall learning that Mr. Salemme had been shot?
A. Yes.
Q. Do you remember if there were any other developments in the world of organized crime that occurred simultaneous with the shooting of Mr. Salemme?
A. Yes.
Q. And what was that?
A. That was the underboss, Billy Grasso.
Q. What about him?
A. He was shot the same time. He was killed.
Q. Where did that take place, do you recall?
A. In Connecticut.
Q. All right. Did these two events occur in the same day?
A. Yes. I believe so.
Q. What was the reaction in the Providence circles of organized crime to the shooting of Frank Salemme and the

murder of Billy Grasso?
A. Well, they were all shook up.
Q. And why was that?
A. The underboss got killed and Salemme got shot. You know.
Q. Did you ever meet with Junior Patriarca subsequent to Mr. Salemme being shot?
A. Yeah. One night he sent someone for me.
Q. Do you recall meeting with him?
A. Yes. I met with him that night.
Q. And do you remember were there any other organized crime figures present at the time of that meeting?
A. Yes. He took me to -- I had to go to Anthony St. Laurent's house. And when I did there was Raymond, Jr., Anthony St. Laurent. There was Nino Cucinotta, Nicola, that was Nino's partner. I forget his last name. Billy Black which was -- Billy DiSantis and Matty Guglielmetti.
Q. Each of those men that you just identified, sir, did you know them to be members of the La Cosa Nostra?
A. Yes.
Q. What was the purpose of this meeting at St. Laurent's house?
A. Raymond, Jr. wanted to see me and he wanted to know if I could get in touch with a person from Boston, Vinnie Ferrara.
Q. Did you know Vinnie Ferrara?
A. Yes, I knew Vinnie. I was friendly with him.

Q. Can you just tell us the story, how is it you came to be friendly with Vinnie Ferrara?
A. I think it was around probably '89 or so, around there, middle of '87 or so. I was past posting bookmakers, betting after the race and stuff like that. And I beat a guy up in I think it was Seabrook, some fellow up there, a bookmaker, and I beat him for some money. And I guess he didn't want to pay. So he reached out to Vinnie Ferrara. And Raymond, Jr., called me and said Vinnie Ferrara wants to see you. I didn't know who Vinnie was. I asked him who he was. He told me who he was, and I went to see him.
Q. And who was Vinnie Ferrara? Who was he?
A. He was a captain in the family.
Q. Okay. Now, why would it be that this bookmaker would reach out to Ferrara to intervene on his behalf?
A. Well, because if he owed say 20,000 and he reached out for Vinnie knowing who Vinnie was, and Vinnie told me that I couldn't get paid, then the bookmaker give him 10 and he saved 10.
Q. I see. So he enjoys sort of a healthy symbiotic relationship with the captain and the bookmaker?
A. Yeah. Well, that's what he figured.
Q. And when Raymond, Jr., told you that you needed to see Vinnie Ferrara, did you go and meet with Ferrara?
A. Yes, I did.

Q. Tell us how that meeting went.
A. I explained to him what happened, what I done, you know, and we talked for a while. And he said don't worry about it, he said, I'll let it go and you can collect the money.
Q. Did you, in fact, collect the money?
A. Yeah. And I gave him some.
Q. Vinnie?
A. Yeah.
Q. And after that initial meeting did you remain with him?
A. I got kind of friendly with him. Then we became good friends.
Q. Did he introduce you to any of his LCN associates or friends?
A. Yes, he did.
Q. Who? Do you recall who he introduced you to?
A. Joseph Russo.
Q. And if you know were Ferrara and Russo close?
A. Yes, they were close.
Q. You knew Vinnie Ferrara then?
A. Did I know him?
Q. You knew him in 1989 when Mr. Salemme was shot; is that correct?
A. Yes.
Q. When you met there at Saint's house, were you given any tasks or instructions?

A. To see if -- to go talk to Vinnie and ask Vinnie if he heard anything on why Frank Salemme got shot.

Q. Had there been any tensions between the Providence and Boston factions prior to the shooting occurring?

A. Yeah, there was tension.

Q. All right. Can you explain whether or not you were in any way involved in helping ease those tensions?

A. Before the shooting?

Q. Yeah.

A. Well, Vinnie wanted to talk -- Vinnie sent for me one day, and he wanted to have a meeting with Raymond, Jr. And he said tell Junior we can set it up, where we can set it up. You know. So we set it up at Saratoga.

Q. What's Saratoga?

A. Saratoga is up in Albany, New York. It's a racetrack. If we get up there, nobody's going to be up there. Nobody's going to see us.

Q. And did you arrange that meeting?

A. Yes, I did.

Q. Did you attend the meeting at Saratoga?

A. I did. Not when they were talking, but I did.

Q. I'm sorry?

A. Not while they were talking. But I drove Raymond, Jr., up there.

Q. Okay. Did anybody else go up there with you and Raymond,

Jr.?

A. Yes. A friend of mine Charles Garabedian.

Q. And what was Charles Garabedian's nickname?

A. Harpo.

Q. How long had you been friends with Harpo?

A. Since my early 20's.

Q. And this was in '88?

A. '88, around there, yeah.

Q. And you were friendly -- did you remain friendly with Harpo?

A. Oh, yeah.

Q. Did you remain friendly with Harpo through 1993?

A. I remained friendly with Harpo up until six or seven years ago, eight years ago.

Q. And did you folks, you and Harpo engage in activities together?

A. Yes, we did.

Q. Were you guys close?

A. Very close.

Q. Now, as it relates to the trip to Saratoga, and I didn't mean to go off track there, so you go to Saratoga with Harpo, Junior, and yourself. Who do you meet there?

A. We met Vinnie Ferrara, and he had a friend of his with him. I forget his name. He wasn't a member.

Q. Okay. Did Junior had an opportunity to meet with Vinnie?

A. To meet with Vinnie?
Q. Yes.
A. Yes.
Q. You indicated to us already you didn't participate in that meeting, correct?
A. No, I didn't. They sat alone at the table for a few hours.
Q. Did there come a time where you rejoined Junior after that meeting had occurred?
A. Yes. We drove back home. We went and eat and then we drove back home.
Q. Was there any conversation as to the substance or the subject matter of that meeting?
A. No.
Q. Now, after you had made that initial overture of bringing those two parties together, Junior and Vinnie Ferrara, was there an effort to arrange a subsequent meeting, a second meeting?
A. Well, the next time I met Vinnie for Raymond was after Grasso and Salemme got shot.
Q. That's what I'm asking.
A. Yes.
Q. So there were no additional meetings prior to the shooting?
A. No.

Q. After the shooting you indicated to us that you were at Saint's house, correct?
A. After the shooting?
Q. After Salemme was shot.
A. Yes.
Q. And Grasso.
A. Yes.
Q. So you're at the Saint's house, and what is your mission? What are you instructed to do?
A. Call Vinnie, see if I could meet him. It was about 7, 8:00 at night, you know. And if I could, find out if he heard anything of why Salemme got shot.
Q. And did you follow those orders?
A. I did. I called him.
Q. Were you able to meet with --
A. I met him that night.
Q. How did you get up there?
A. I drove to Boston.
Q. Were you alone?
A. No. Me and Charles Garabedian, Harpo.
Q. Do you recall where that meeting took place?
A. In the North End someplace. In the back street there's a school, a school yard. I drove in there, and that's where I met him.
Q. Did you have a conversation with Mr. Ferrara?

A. I did.
Q. And what did he say based on your inquiries?
A. I said Raymond sent me up to see you to see if you heard anything on what happened with Salemme. And he said, well, he said I think the best thing to do is tomorrow come by in the morning, and Joe will be there, Joe Russo. And we'll see if he heard anything, and we'll let you know. I says okay.
Q. Did you return to the Providence area?
A. I went back, yeah.
Q. Did you report those developments to Junior?
A. I did.
Q. And what were the instructions following that?
A. He said, well, make sure you meet him in the morning. I said I will.
Q. And did you return in the morning?
A. I returned in the morning.
Q. What happened then?
A. He was sitting there with Joe. I met him at a coffee shop in the North End.
Q. Okay.
A. And he was sitting there with Joe, and I said to him, you know, I said Raymond said if you heard anything what happened with the shooting, why this guy got shot. So they just looked at me for a second and then Joe said, well, he said we're still doing a lot of investigation into it. He said,

but I think it was something to two with a drug deal that went bad. You know.

Q. And did you find that to be a serious representation of what had happened?

A. Well, when he said it to me, I think it had something to do with a drug deal that went bad, you know what I mean, I knew that wasn't what happened because just the way he said it and the way he made a face, you know.

Q. Okay. And what was the sort of agreement at the end of that meeting?

A. He said tell Raymond that -- and we're going to still look into it, we'll see what we can do.

Q. Okay. Did you go back and report to Raymond what you had learned?

A. I did.

Q. What happened next?

A. He said come back in a few days, a couple of days, he said, and we'll see what we can find out.

Q. Did there come a point in time that a meeting was arranged between Providence and Vinnie Ferrara and J.R. Russo?

A. Yeah. That came maybe a week later because I went a couple more times. But as I went, there was no answers. Then they finally said, oh, then Raymond said that -- he sent me back and he said tell them I want to see them. So I went

back and I said to Vinnie and Joe, I said, Raymond wants to see you up in Rhode Island. You go back and tell Raymond that we're not coming to Rhode Island.

Q. Now Raymond is the boss at this point; is that correct?

A. Yeah. Yeah.

Q. Okay.

A. So I went back and I told Raymond, I said they said they're not coming to Rhode Island. So he said, so what should I do.

Q. He asked you?

A. I said, you're the boss, what are you asking me for? I don't know what you should do.

Q. And at that point are you even a made man at that time?

A. No. No. I'm running back and forth, you know.

Q. And so what was the --

A. He said let me think about it. I said okay. If you just want me to go back and tell them that you said they have to come. He said no, let me think, let me think. He said go back and tell them that I want him them come up here at this meeting. So when I went back they told me you tell him we want to see him in Boston, and they told me where.

Q. Which was where, sir?

A. At the Mass. General Hospital, what day and what time. So I went back and I told him they're not coming here. They want to see you tomorrow morning at 10:00 at the Mass.

General Hospital.
Q. What did he say?
A. You think I should go? I said that's up to you. I can't -- you know. So he said let me sit on it and think. And then he came back about an hour later because he used to come to my house. He came back about an hour later, and he decided he was going to go.
Q. Okay. Did you accompany him to Mass. General Hospital?
A. Yeah. Well, Harpo drove us up. There was me, him, Harpo, and he took St. Laurent. St. Laurent was a made guy at the time.
Q. And so what happened when you arrived at the hospital?
A. We arrived at the Mass. General Hospital and Vinnie was there. Joe wasn't there yet. Vinnie said Joe will be coming. I don't know if Joe lived near there or not, but anyways, a little while later he came walking down.
Q. Who is that, Joe?
A. Joe. And he came in. And we got up from the table and we went out to the patio.
Q. Who is we?
A. There was Raymond, Joe, Vinnie, and St. Laurent. But then Joe and Vinnie told St. Laurent to leave.
Q. Did Saint leave?
A. Yeah. He came out to the patio.
Q. Okay. And what happened then?

A. Then they talked for about maybe an hour, hour or so, hour and a half. I don't really know how long.
Q. Okay. Did you drive them back to Providence, Junior?
A. Then we drove back to Providence.
Q. Did you have a conversation or overhear a conversation involving Junior as to what took place or transpired at that meeting?
A. Well, he didn't tell me exactly what happened or what transpired, but he said everything went well.
Q. Okay. What's the next thing that happened related to that meeting there at Boston Hospital, Massachusetts General?
A. I went back a couple of days later and they wanted to meet Matty Guglielmetti. I believe it was just Vinnie. The guy that used to drive him around drove him to Rhode Island and they met up the street from my nephew's jewelry store, which was a Papa Gino's, I believe, and they met there.
Q. Were you present for that meeting?
A. I wasn't sitting down at the table while they were talking, no.
Q. Okay. So who participated in the Papa Gino's meeting?
A. Just Vinnie and Matty. The guy that drove Vinnie up sat at the other table with me.
Q. Now, you've already told us that Matty was a made member. Did he have any other rank?
A. He was a captain.

Q. What happened after that Papa Gino's meeting?
A. They left and maybe a week or so later there was another meeting that was scheduled.
Q. Where was that meeting to take place?
A. That was upstairs in the jewelry store.
Q. When you say "the jewelry store", whose jewelry store?
A. It was my nephew's, but I had a little part of it. You know.
Q. Was this a retail store?
A. A retail store.
Q. This wasn't a manufacturing facility?
A. No. It was a high end retail store.
Q. What town was that located in?
A. That was in North Providence.
Q. Tell us about that meeting at the jewelry store. What happened?
A. Vinnie and Joe came. And upstairs I had a little office and my nephew had a little office, but they were like right next to each other. And they come walking in the front, Joe and Vinnie, and they come through back and they went upstairs and they were sitting in my nephew's office. My brother Joe picked up Raymond up at his property, and he took him, he came in the back door, and he came upstairs and they sat and they talked.
Q. Could you hear any of that conversation?

A. Yeah. I could hear most of it.
Q. Can you tell us what the tone of the conversation was like?
A. It was pretty -- they were pretty mad at him.
Q. Who was mad at who?
A. Joe and Vinnie was pretty mad at him. They were yelling at him, you're not doing what you're supposed to do. Every time we wanted to see you, you never had time to see us. You're supposed to be the boss. You're not running this place like a boss.
Q. Okay. And did there come a time that that meeting concluded?
A. Yeah. Then they told him they wanted him to step down.
Q. Tell us what do you mean by that.
A. They told him you was going to step down, you're not going to be the boss no more.
Q. What was his response to that?
A. His response was, listen -- oh, and in between they were saying that they were supposed to make some guys and he never went along with. But now they're going to do it, they're going to make them. They didn't ask him if they could. They tell him they're going to make him.

And he says, well, don't let me step down, just say I'm stepping down, that's embarrassment. After the ceremony, I'll say that I'm sick because he had -- he used to get

treated for prostate cancer. I'll say that I'm sick and I can't handle this. And then I'll say I'm retiring and Joe can take over.

Q. When you said just a second ago "after of the ceremony", what did you mean by that?

A. When they said they were going to make some guys, they have an induction ceremony.

Q. Okay. So basically he was looking to step down gracefully?

A. Yeah. He didn't want to be embarrassed to the rest of the -- you know.

Q. Okay. What happened after they left the jewelry store?

A. After they left he was still upstairs and I was talking with him, and he told me everything went good. And then he said to me tomorrow morning, he said, you have to go to see Vinnie and Joe. He said they have to talk to you about something.

So I said is there a problem. He said no, but don't tell them what I'm telling you because I'm not supposed to tell you. He's the boss, but he's telling me he's not supposed to tell you. He said but they proposed you, they're having a ceremony, and they want to make you too.

Q. So Boston proposed you?

A. Yes. He said the only thing is they want you to stay up there with them. I says, you know, you've got to get me out

of that. I live if Rhode Island, I don't want to be going up there, you know. So the next morning I went, and I seen Vinnie and Joe. And they took a walk and they explained it all to me.

They said you helped out a lot here, and we appreciate it, and we want to -- we proposed you, we want to make you.

Q. Okay. Was there any discussion of when that ceremony would take place?

A. No. They don't tell you. They said you just be ready.

Q. Did there come a time when you learned that the ceremony was imminent?

A. Yeah. On a Saturday night Raymond come by my house, October 28, and he said tomorrow, he said, be ready in the morning and wear a suit and tie. And he said we're going to pick you up, he said, we're going to Boston.

Q. Did that happen?

A. Yes.

Q. Can you tell us a little bit what led to that, that day?

A. He picked me up. We drove up to Boston. We met Sonny Mercurio at a parking lot in the North End, and he drove us to Medford.

Q. What was in Medford?

A. That was the house that we went to.

Q. And who is the "we"?

A. Me -- well, there was Sonny drove us. There was me, Raymond, Jr., Matty Guglielmetti, and Pascone.
Q. Pascone Galea?
A. Galea.
Q. Okay. And what happened when you arrived there at the house?
A. We walked in and all the rest of the people were there. All the rest of the family was there, most of them, you know.
Q. And what happened when you convened?
A. There was four men being made.
Q. Who were they, sir? Do you recall?
A. Yeah. There was me. There was me -- there was three guys from Boston, Vinnie Federico. One guy that was made already died. And there was a guy by the name of Carmine. He was from the outskirts of Boston.
Q. So of the four that were made, there was only one from Providence?
A. Just me.
Q. Just you. Okay. And tell us briefly about that induction ceremony?
A. We went in and we had to go upstairs in the bedroom, and they called one man at a time. And we went down, and you took an oath. And they took a card of a saint, burn it in your hand. They prick your finger, you became blood brothers with them. And they assigned you -- they counted numbers and

this was your godfather where it ended. You know.
Q. Okay. After that ceremony, how would you convey or communicate to anybody either a member of the family or anybody else that you now were a member of the family? How do you do that?
A. Well, you had to get a made guy that took you to another made guy and introduce you to him as a made member.
Q. And so how did that work for you? In other words, was the word put out somehow that you had --
A. No. A couple of days later -- well, actually when we came back we drove right to Saint's house, St. Laurent, and Raymond and Matty introduced me to St. Laurent. And a couple of days later Matty Guglielmetti came by the jewelry store, and he took me to different members, introduced me to them as a friend.
Q. As a friend?
A. A friend. Let me introduce you, Bobby's a friend of ours now.
Q. I see.
A. They know you're a member, you're a friend of his.
Q. When they refer to he's a friend of ours, that would mean he's a soldier, or a member of LCN?
A. You're just not a friend, you're a friend of ours.
Q. Okay. Now, you've told us about the fact that you met with Frank Salemme there at Junior's land that he was

developing in Lincoln?
A. Yes.
Q. Did you meet him again after that now that you're a made member?
A. Yes.
Q. Do you recall the circumstances surrounding that meeting?
A. Well, I think it was around some time in '90, early '90, Raymond, Jr., got arrested. He got indicted. He got indicted after Vinnie and the rest of them got indicted from the ceremony. It was probably a few months after that, I forget who come to me and set up an appointment that Frank wanted to see me.
Q. What did he want to see you about?
A. I met him in North Providence at the CVS, and he came down and he said, yeah, I just left Raymond's wife Barbara up at the Lincoln Mall, and she went to see Raymond. And she said Raymond said to leave Frank LaPierre alone, you're trying to kidnap him and extort him for money. I said I don't even know Frank LaPierre. I didn't even know who he was. You know. And he said, well, I'm just delivering you the message. You know.
Q. All right. So Junior is incarcerated at that point. He's actually using his wife Barbara to run messages?
A. I guess so.
Q. Okay. What was the end result of your conversation with

Frank Salemme there in North Providence concerning the kidnapping of LaPierre?
A. I told him I don't even know the guy, I've got no intentions of kidnapping him.
Q. Go ahead.
A. I never heard of him up until that time.
Q. Did you come to learn subsequent to this allegation that had been made against you as to who he was?
A. Yeah. Then I found out he was a big marijuana dealer in the days, and he was a wealthy man, and he was around Raymond, Jr. He give him a lot of equipment for his land and stuff. You know.
Q. When you say he was around Raymond, Jr., can you kind of elaborate on what that means when you folks say he was "around" this one or that one?
A. Well, you say, Sam, or Sam's with Bobby, that means he's with me. So you can't bother him.
Q. I see.
A. You know what I'm saying? I protect him.
Q. Okay.
A. At the same time he's paying me.
Q. As a result of this meeting concerning the kidnapping plot, did you develop a friendship or acquaintanceship with Mr. Salemme?
A. Yeah. We became friends.

Q. And as a result of that friendship, did you folks begin to engage in criminal activities together?
A. Yeah. I started going up to -- I started going up to Boston in the mornings and meeting him.
Q. How often were you traveling up to Boston?
A. At that time when we started getting together, I started going up every day.
Q. Every day?
A. Yeah. Harpo used to drive me almost -- yeah, every day, mostly every day. Not weekends but Monday through Friday.
Q. And what were some of the places that you'd haunt? Where would you meet?
A. I used to meet him -- at the time a lot of times I'd meet him at his condo in Sharon. Then we'd drive into Boston and we'd go to Brookline.
Q. Okay.
A. And we'd go to the body shop that George owned. He had a body shop.
Q. When you say George, who are you --
A. George Kaufman.
Q. Kaufman's body shop?
A. I don't know if that was the name.
Q. No. I'm asking you. The person who ran the body shop was Kaufman?
A. George, yeah. He was a friend of Steve Flemmi's. Mostly

every day we'd have lunch at the Busy Bee, and George would come over, Steve would come in. That's where we'd be.

Q. And where else? Besides Kaufman's garage and the Busy Bee, any other locations you recall spending time at with these folks?

A. We'd stop at -- we'd go down, I forget where it was, but it was like a little mall. There was a hairdressing spot down there. He used to get his hair cut there.

Q. What was the name of that hairdressing spot?

A. I don't know. The hair dresser, her first name was Diane.

Q. Okay.

A. Then we'd take walks to parks, you know, different places. We'd go a lot of different places.

Q. Okay. Now, at this point in time when you start going up there, who's the boss if Junior is in prison?

A. Nicky Bianco.

Q. Was he a Providence guy?

A. He was a Providence guy.

Q. Did there come a point in time that Nicky Bianco was arrested?

A. Yeah. He was arrested at that time. He was on a bracelet at that time.

Q. So he's serving as the boss on a bracelet?

A. Yeah. He was on trial in Connecticut.

Q. Do you recall who was second in charge at the time that Bianco was on the bracelet as boss?
A. I don't think there was an underboss at that time. I'm not sure.
Q. Okay. What happened next?
A. Finally Nicky got convicted. And once he got convicted he couldn't be the boss no more, and Frank became the boss.
Q. Frank Salemme?
A. Frank Salemme.
Q. And were you around him at the time that he became the boss?
A. Yes, I was.
Q. And what sorts of activities were you involved in together, you and Mr. Salemme?
A. We had some numbers. We had some clubs that was paying us. Bookmakers.
Q. And what would the day-to-day activity consist of to operate these criminal enterprises?
A. We'd be up there, think of ways of making money. But it wasn't like that we went to the places to collect it, you know.
Q. Tell us what was it like. How would you go about doing that? In other words, if you have a bookmaker and you decide you want to collect rent from this guy, how would you go about doing that?

A. Well, the Rhode Island part I would take care of. I would pick up the money from the clubs if there was a bookmaker, and then I would take him what belonged to him.

Q. His share so to speak?

A. His share, yeah.

Q. Okay. And what sorts of locations were you collecting money from in Rhode Island?

A. At that time the Satin Doll was a strip club. Foxy Lady. There was some bookmakers that were paying.

Q. So you'd take your piece and you'd give Frank his piece; is that correct?

A. Yeah.

Q. Now, when Frank is elevated to the position of boss, who does he designate as being his underboss?

A. Louie Manocchio.

Q. Did you know Louie?

A. Yeah. I know Louie all my life.

Q. Was he a Providence-based guy?

A. Yes, he was.

Q. All right. So Frank's the boss. Louie's the underboss. What position did you hold? Did he assign you to a particular position?

A. At that time I was a soldier.

Q. Did there come a point in time that you were elevated from that position of soldier?

A. Yeah. I was elevated to captain.
Q. Who did that for you?
A. Frank Salemme.
Q. Now, did you have a crew, or were you a particular type of captain?
A. I didn't really have a crew, no. I just was mostly by myself.
Q. Sir, I want to direct your attention to an individual by the name of Steven DiSarro. Did you come to meet a Steven DiSarro?
A. Yes.
Q. Do you recall the circumstances under which you met him?
A. Yeah. One day Frank told me he wanted me to go down to Kenny Guarino's. There was some kind of a meeting over some kind of money problem and go down there and represent him, and Steve DiSarro was going to be there.
Q. Did you go down to Cranston and meet with Guarino?
A. Yes. I went to Guarino's place in North Providence.
Q. I misspoke. North Providence was where Guarino was located?
A. Yes.
Q. And what was -- first off, did you know Guarino prior to this meeting?
A. Yeah, I knew him for many years.
Q. What was your understanding of what business Mr.

Guarino's business was?
A. He was in the porn business.
Q. When you say the porn business, could you be more particular?
A. The magazines, X-rated magazines, X-rated movies. All that kind of stuff.
Q. There's a variety of ways you can be involved in that. Do you recall, for example, did Mr. Guarino have any book shops?
A. He had book shops, yeah. The magazines, he had all them.
Q. So that's what it was, he was running these book stores?
A. He had these peep machines in different places, too.
Q. The peep machines, did you folks collect a share of the money generated from those peep machines?
A. Well, at the time that Richard Sharpe had the Satin Doll, he also had a little place upstairs. I think it was over it, and he had peep machines in there. And he used to put that money with the Satin Doll money, and he'd give it all in one.
Q. Okay. So you would get, so to speak, a piece of those peep machines then?
A. Yeah.
Q. All right. Now, tell us about the meeting that you attended at Guarino's place in North Providence. Who was present?
A. That was me, Guarino. And I believe it was just Steven

DiSarro.

Q. Do you recall any details of what the nature of this dispute was that you were trying to settle?

A. It had something to do with some lawyer, and Egbert knew him. It really never came to much. Because as soon as it started, Kenny Guarino said I got to call Sam.

Q. What did he mean by that, I got to call Sam?

A. Well, he was -- Guarino was with the New York people, the Gambino family, and his man was Natale Richichi. They used to call him Sam. They used to call him Chris. He said, I got to call him before he can get involved in any meeting. You know, you just can't get involved in a meeting.

Q. Do you recall how would it be that a Providence pornographer would get associated with the Gambinos in New York?

A. Well, when Raymond Patriarca, Sr., was the boss, he didn't want to get involved in that business, in any of that X-rated movies and all that stuff. So the New York crew asked him, this was back in the days, they asked him if they could take Guarino because they had -- they were involved in that stuff in New York. And he agreed to it.

Q. Okay. Now as it relates to this meeting with DiSarro at Guarino's place of business, was there any end result? In other words, did you resolve whatever the dispute was?

A. No. I never heard nothing else about that meeting.

Q. Did there come a time where you saw Natale Richichi, the person that this man Guarino had to consult with?
A. Yeah. Guarino set up an appointment for Natale Richichi to come to Massachusetts.
Q. And what was Natale Richichi's rank in the Gambino family? Do you recall?
A. He was a captain in the Gambino family.
Q. Do you know where he was based geographically?
A. At that time he was living in Vegas because he couldn't breathe too good. He used to have to walk around with an oxygen tank. So he wound up going to Las Vegas.
Q. Now, at this meeting that was proposed with Guarino and Richichi, was there some discussion where that meeting would take place?
A. It was up in Mass. at the Hilton.
Q. The particular Hilton, sir, do you recall where it was located?
A. I think it was -- it wasn't far from the airport. It was in Mass.
Q. Okay. Tell us about that meeting. What transpired at the Hilton?
A. We went up there, me and Frank and his brother was there, and his son was there.
Q. What was his brother's name?
A. Jackie Salemme. And Kenny Guarino come in. Chris wasn't

there yet. And Kenny Guarino come in to get the room, and then they were waiting for Chris and then Chris came.

Q. What happened after Chris came in?

A. After that we sat in the lobby area there, just talked a little. Nothing really. And then they finally got the room ready, and we went upstairs to the room. They went upstairs to the room. And Frank wasn't going to go up to the room and talk with Chris while Kenny was there. So he told me you go up and talk to him because there was also a problem over a couple of places that Kenny Guarino wanted to open up to put more machines in.

Q. Where were those locations? Do you recall?

A. One was in Boston, and I think one was on the outskirts of Sharon or something. He wanted to put a book store there. But he had a big building that he spent a lot of money on in Boston. I think he spent a million dollars gutting it out and stuff. And he wanted to put the peep machines in there, and Frank said he couldn't do it.

Q. Did you have a discussion with Salemme about that?

A. Yeah. He said he couldn't do it.

Q. All right. And so were you acting as -- what role did you play then in meeting?

A. I said Chris wanted to talk to Frank, but Frank said you go upstairs and tell him I'm not coming up there and talk in front of Kenny. You go up and you discuss it with him. So I

did.
Q. Did you do that?
A. Yeah. And I explained the whole situation to him. He said he's not going to open it. He's got what he's got. He don't want no more of them places open. He's grandfathered in, and that was the deal that he made years ago.
Q. What do you mean he was "grandfathered in"?
A. Well, back then -- in other words, he wanted to open up a couple of places, and I guess the old man Raymond said it was okay. But that was it, no more.
Q. I see. After you had this meeting with Guarino and Richichi, what's the next thing that happened relative to this --
A. The next thing is we went out to eat dinner.
Q. Okay.
A. We went to Saraceno's, me, Frank, Guarino, Richichi. I don't know if Jackie and Jimmy Martorano came. I'm not sure. I think Frankie Boy might have come. You know.
Q. You had told us that Frankie Boy was at the Hilton when you first arrived.
A. Yeah.
Q. Do you recall whether or not he accompanied you to dinner?
A. They might have came. It's a while back, you know.
Q. 1991, is that correct?

A. Yeah.
Q. All right. Now, after that dinner meeting, what's the next thing that occurred concerning this meeting with Richichi?
A. We took them back to the hotel, and then I dropped Frank off. I went home. Then I had to pick him up at 8:00 in the morning, and we went back to say goodbye to Chris because Chris was leaving that morning.
Q. Okay. And then what happened then?
A. They we went and went back to the Hilton. Kenny Guarino happened to be downstairs, I don't know if he was waiting or not, and he told us they moved my room to another room. So he told us where the room was.
Q. Did you go to that room?
A. We went to that room.
Q. And who was in the room when you entered?
A. There was me. There was Frank. There was Chris and Kenny, but then Kenny left. He went downstairs with the luggage and all that stuff.
Q. And how long did you remain in the room after Guarino had left?
A. Not too long. Then I left. We talked a little then I left. Not about, you know, not much.
Q. After you left, sir, did there come a point in time that you learned that that meeting that had transpired in that

room had been intercepted and recorded by the FBI?
A. Yeah, I did.
Q. Do you recall how you learned that?
A. Well, we got arrested in 1995. And as we started finding out, we got the tapes. I started listening to the tapes.
Q. How many times do you think you listened to those tapes?
A. Probably -- I lost count.
Q. You were detained at the time; is that right?
A. Yes. I was in Plymouth.
Q. So you had plenty of time to go over that material?
A. Yeah. Every night.
Q. And did you come to recognize whose voices were on the recordings that had been provided to you of that interception?
A. Oh, yeah. There was mine. There was Richichi. There was Frank Salemme. And there was Guarino.
Q. Okay. Now, I want to ask you, sir, as it relates to an individual by the name of Thomas Hillary, did you know of him?
A. Yes, I knew Tommy.
Q. How did you come to meet Tommy, do you recall?
A. Yeah. Tommy was in Rhode Island. He was living with Raymond Patriarca, Sr. He used to help him out, take care of him, drive him a little. He was living there up on Lancaster Street.

Q. You had interactions with Tommy while he was there working with Raymond?
A. Yeah. I used to see him a lot. I used to see him a lot because he was with Raymond, Jr., a lot. They were close friends.
Q. Hillary and Raymond, Jr.?
A. Yeah.
Q. Okay. Did you know Hillary to be involved in any criminal activities at that time?
A. He was always involved in something, you know.
Q. Okay. Now, did he associate with other LCN members in addition to Junior and the old man?
A. Did --
Q. Hillary.
A. At that time?
Q. Yeah.
A. There was a lot of LCN members around at that time.
Q. Okay.
A. He was always up on Atwells Avenue. Raymond's place was on one side of the street, and then Junior used to hang on the other side with this guy Nicky. He had like a little clothing shop and stuff. They used to be in there mostly every day together. A lot of guys used to go in and out.
Q. What's that section called over there at Atwells Avenue?
A. The Hill. Atwells Avenue, they call it the Hill. We're

going up the Hill.
Q. So would you see Hillary around there at the Hill?
A. Yeah. I'd see him whenever I went. I didn't go that much, but when I'd go, he'd be there. And then I'd see him at the track a lot. He'd come to the track with Junior. Junior owned race horses.
Q. Okay. In fact, you had some activities going there at the racetrack yourself; isn't that right?
A. Yeah. I owned race horses, and I used to fix races.
Q. Were you fixing races on your own, or did you coordinate that with others? Do you recall the particulars?
A. I used to do that on my own, but, you know, Raymond knew, the father, and I used to take care of him.
Q. You told us that one of the things that occasioned a meeting with Vinnie Ferrara was that you had past posted a race. How were you doing that in that day and age?
A. Well, at that time they had just come out with cell phones. Nobody really knew -- I happened to bump into a guy one day, and he had this big case, and it was a cell phone. I didn't know what it was. So I bought it off him. I knew nobody really knew what these cell phones were.

So I could sit at the racetrack, and when the horse went over the wire, I could call the bookmaker. What's it, seconds after the race? How am I going to know the winner? You know what I mean? If I was at the track and I seen the

winner, and I had to run to the phone, and it's going to take five minutes. Actually I'd have him on the phone, and as soon as the horse would go over I'd start betting and hook him up with other horses and stuff. They never knew. They never caught on for months.

Q. So is that how you beat the guy out up in Seabrook?

A. Yeah.

Q. Okay. Any other scams or methods there at the track that you can share with us?

A. I used to fix races.

Q. How would you do that? How would you fix the race?

A. Say you had nine horses in the race. You go to six jockeys. You pay them. And you let them keep them six horses, but you don't let them finish one, two, three. And the other three horses, you box them. You play the exactors. And out of the three horses you pick one horse and you bet him across the board.

If you know how to handicap, most of the time you'll pick the winner. But if you don't, you're going to pick up the place and show money. So you're going to break even to that part, but you're going to hit the exactor and you're going to win the money.

Q. Okay. And how often did you do that?

A. I used to do it a lot.

Q. So you saw Hillary up there at the track. Now, did there

come a time that you learned after Junior had gone to jail that Hillary was associating himself with somebody else?

A. Well, after a while, Hillary had left Rhode Island, and I think he went away with his wife. I think they went to Vegas. And the next time I found out that he was around was when he was back, he was in Massachusetts in Boston, and he was around Frank Salemme and Frank Salemme, Jr.

Q. Okay. Now, in fact, you mentioned that he had gotten married and moved to Vegas. Did you play some role in Tommy Hillary's wedding?

A. I was his best man.

Q. Did there come a point in time that Thomas Hillary's status there in Boston with Mr. Salemme changed?

A. Yeah.

Q. What happened?

A. One night -- one day Frank said we got to go to this Chinese restaurant. He said Tommy Hillary's going to be there, and we got to straighten something out. I said okay. I guess he had some people he was dealing with. It was on the outskirts of Boston. I don't know if it was Framingham, Franklin, wherever it was, but it wasn't right in Boston. It was on the outskirts of Boston.

I guess he swindled them out of the money or he didn't pay them or he took the money and he didn't give Frank and his son what they had coming, you know. So we had to go

to the Chinese restaurant and meet him.
Q. Did you go there to the Chinese restaurant?
A. Yeah, we went.
Q. Do you recall who was in attendance?
A. There was me. There was Harpo and Tommy Hillary of course. There was me, Harpo, Tommy Hillary, his brother Jackie, Frank, Jr., Frank. There was a guy by the name of Kevin Hanrahan, Timmy Mello. Might have been a couple more people that I don't --
Q. Mello and Hanrahan, were they Providence guys?
A. Kevin Hanrahan was from Providence and Mello was from Fall River, but Mello and Kevin Hanrahan was always together. Mello used to come to Providence every day to see Kevin Hanrahan.
Q. Okay. So now tell us about this meeting. What happened there at the Chinese restaurant?
A. Well, we were eating and then Frank was -- he went and sit down with Tommy and started talking to him. Before you know it, he start yelling at him. And before you know it, he cracked him one, slapped him.
Q. What were they yelling about?
A. Over money. And then he told him, tomorrow morning you get out of Boston. If I see you around here again, I'll kill you.
Q. Had you ever seen Thomas --

A. Never seen him again.
Q. Did you come to learn something about Thomas Hillary after that event at the Chinese restaurant?
A. Yeah. I learned that he was an informant.
Q. And how did you learn that?
A. I read it in the paper.
Q. Do you recall anything else besides the fact that you learned that he was an informant?
A. Anything else that I learned?
Q. Yeah.
A. Other than him being an informant?
Q. Yes. Based upon your conversations with Mr. Salemme or your review of any media accounts, did you come to any kind of understanding as to what it was that led to Hillary becoming an informant or a cooperator?
A. I really can't recall.
Q. That's fine. You don't recall how it was he came to be an informant?
A. No.
Q. Now, you've indicated to us that you learned that he was cooperating though, correct?
A. Yeah.
Q. And this was an individual who was around Frank, as you described it, correct?
A. Yes.

Q. All right. Do you remember having any conversations with Frank about concerns he had that Hillary was cooperating?
A. Well, yeah. He did a lot of business with him, him and his son. They were a little worried if this guy opened up and he had anything to go along with it, they would have been in trouble.
Q. And when you say "opened up", that means talk to the government?
A. Talk to the government, you know.
Q. Okay. Now, in your activities in your involvement with Mr. Salemme, did you ever come to hear of a nightclub called The Channel?
A. Yes.

THE COURT: Mr. Ferland, are you starting a new area?

MR. FERLAND: I am.

THE COURT: Why don't I let the jurors take their break now. We can resume after that.

MR. FERLAND: Thank you, Your Honor.

THE CLERK: All rise for the jury.

(The jury exits the courtroom.)

THE COURT: Around 15 minutes.

(Recess taken.)

MR. CROWE: Your Honor, could we approach?

(Bench conference held.)

MR. FERLAND: Your Honor, in the next couple of minutes I'm going to be going into some information from Mr. DeLuca that relates to the murder of Kevin Hanrahan in Providence. It occurred a few months before the DiSarro murder. I just wanted to alert the Court and counsel to that area. I didn't want there to be any surprises or anybody doing anything rash. It's my understanding that in speaking to Mr. Weinstein that they considered that to be part and parcel of the 404(b) that we had originally filed. But I wanted to make sure we cleared the air on that before we dive into it.

MR. SHEA: So for Weadick we would object. We'd ask for an instruction because there's nothing involving Weadick in that.

THE COURT: What kind of instruction would you like, Mr. Shea? If this evidence does not pertain to him -- If he's part of a conspiracy, you don't get that instruction. I am happy to give you an instruction about evaluating the defendants separately and all that, but I don't think you're entitled to all of that.

MR. CROWE: Judge, for whatever it's worth, it's a whole different state, it's a Rhode Island circumstance.

THE COURT: The rule of evidence that deals with --

MR. CROWE: I see where you're going.

MR. SHEA: Here's what I would say, is that thus

far what we have is that Paul Weadick is friendly with Salemme, Jr. And the only evidence that I know the government intends to introduce is that in 1989 they did a drug rip that involved some State Police Officer in Rhode Island.

MR. FERLAND: No, New Hampshire.

MR. SHEA: New Hampshire. Sorry. And what we have is testimony from government witnesses that drug rips weren't part of the conspiracy by Hillary I think it was and said that those were actually kept from the knowledge of Mr. Salemme and the others involved in what the government's alleging is the conspiracy.

THE COURT: My understanding is that Flemmi is going to put him right in it. It doesn't have to do with the evidence that's come to this point. That's not what's determinative here.

MR. SHEA: I understand. But I also think that that's what it is. I have some ideas what Flemmi is going to say, but --

THE COURT: If they don't link into the conspiracy, they have big problems with this case anyway. We'll cross that bridge when we come to it. For the time being, you can make your objection on prejudicial spillover. At this point I don't think you're entitled to an instruction. I don't even know what instruction I would give.

MR. SHEA: I'll make the objection on prejudicial spillover. We'd ask that that be a continuing objection.

THE COURT: Yes. That's fine.

(End of bench conference.)

THE CLERK: Court is back in session. Please be seated.

THE COURT: Go ahead, Mr. Ferland.

MR. FERLAND: Thank you, Your Honor.

BY MR. FERLAND:

Q. Sir, earlier this morning you had mentioned some of the locations that you would frequent with Frank Salemme, and I think you told us that one of those was Guzzy's, which was Kaufman's body shop; is that correct?

A. Yes.

Q. Now, when you're at Guzzy's, did you come to meet a person by the name of Steve Flemmi?

A. Yes, I did.

Q. Who is Steve Flemmi?

A. He was with the Winter Hill mob.

Q. All right. And would you have regular interaction with him?

A. Almost every day.

Q. And who did you understand the Winter Hill mob to be?

A. It was Howie Winters. Then he went to jail and Bulger took over. There was Bulger and there was Flemmi and

Martoranos, Weeks, a bunch of guys.

Q. Now, did you see Flemmi on a regular basis?

A. Probably every day.

Q. Did you ever see him in the company of Frank Salemme?

A. Yes. They were always together.

Q. How did they get along?

A. Good.

Q. And at these locations, sir, that you've described for us, would you individuals engage in conversation that was business-related, so to speak?

A. Yeah, criminal behavior. You know.

Q. When you said to us that you would sometimes go to the ball fields or soccer fields, why would you do that? Why would you go to those locations?

A. We'd go there in case of surveillance, so we could walk around and talk. You wouldn't be in a place where there was surveillance bugs and stuff like that.

Q. Had you, in fact, encountered bugs during your career in La Cosa Nostra?

A. Yeah. Quite a few of them.

Q. You've already told us about the Hilton wire. Were there others that you learned of?

A. Please?

Q. Were there other bugs that you learned of?

A. Oh, yeah. I had cars that were bugged. The Busy Bee was

bugged. The ceremony that I went to was bugged.
Q. All right. So you were conscious of surveillance then?
A. Oh, yeah.
Q. In addition to meeting at open places like the ball field, what sort of counter surveillance measures would you folks undertake to avoid law enforcement surveillance and detection?
A. You'd walk around. There was like bushes, trees and stuff, you walk underneath them, in between them, hide, you know, because you had plane surveillance. You had everything.
Q. How about motor vehicles, sir? Did you always have the same motor vehicle?
A. No. I used to get, probably every other day or so rent a different car.
Q. Who would help you in that regard?
A. Harpo would get it for me or he'd go rent it under his wife's name.
Q. Okay. I want you to take a look at what we've marked as government's Exhibit 75. It's a full exhibit. Can you zoom in on that a little bit better than that, please.
Can you see that okay?
A. Well, it's very blurry. But I can see me, I think.
Q. Okay.
A. It's very blurry. I'm not sure. I think it's me and

Frank is there. It could be Steve Flemmi. I'm not sure. It's very blurry.

Q. It is blurry. I'll look for a paper copy, and we'll move on. Is this one of the ball fields that you would regularly visit?

A. Yeah. That's one.

Q. While we're looking for that exhibit, I also had failed to ask you if you saw Mr. Salemme, Frank Salemme, Sr., present here in the courtroom today?

A. Yes, I did.

Q. And can you point him out and tell us an article of clothing that he's wearing?

A. He's sitting right there. He's wearing a dark suit, blue tie, I believe.

MR. FERLAND: May the record reflect --

A. Right-hand corner.

BY MR. FERLAND:

Q. I missed the last thing.

A. He's on the right-hand corner. He's sitting right next to Mr. Boozang.

MR. FERLAND: May the record reflect he's identified the defendant.

THE COURT: Yes.

MR. BOOZANG: And that it's Mr. Boozang.

THE COURT: The record may reflect that also.

A. I know it's me and Frank. I believe it could be Steve. It's very hard to see there.
BY MR. FERLAND:
Q. You have to speak loudly.
THE COURT: Hold on. No private conversations up there.
BY MR. FERLAND:
Q. Speak loudly.
A. I know that's me, Frank. I believe that could be Steve Flemmi.
Q. Okay. And this is just a second surveillance photograph. That's 76 that I'm showing him for the record.
A. Yes. Yes. That's me, Frank, and the same thing, Steve Flemmi, I believe.
Q. Okay. And if you would, ma'am, would you bring with up government's Exhibit 90, please.
Can you see 90, Mr. DeLuca?
A. Yes. It's very blurred. Oh, that's me, Frank, and that's Carlo from Worcester.
Q. And was he an LCN person?
A. He was a captain in the Genovese family.
Q. That's one of the New York five families?
A. Yes.
Q. And if we could take a look at 91.
A. That's me, Frank, Darin Bufalino and Richard Devlin.

Q. Bufalino and Devlin, are they Boston LCN people?
A. Please?
Q. Devlin and Bufalino, were they Boston LCN people?
A. At the time -- well, Devlin was an associate, and Darin Bufalino was, too.
Q. Just associates?
A. Yes. But Devlin is dead now.
Q. Okay. And if we could take a look at government Exhibit 83. If you could blow that up, please. Do you recognize who's pictured in 83?
A. That's me and Frank.
Q. Do you see the Bronco there? Do you recognize that Bronco?
A. Yeah.
Q. Is that one that you operated or one that he operated, or do you recall?
A. That wasn't me. That had to be one that he operated.
Q. Okay. Did you know a man named Mike Dezotell?
A. Yeah, Mike Dezotell. He was a bookmaker. I believe he was in the window business. He put windows in houses or something, I believe.
Q. Dezotell was a bookmaker. Do you know if he was associated with Frank Salemme?
A. Yeah. He was with Frank, yeah.
Q. Do you know if sometimes Frank Salemme would operate a

motor vehicle registered in Dezotell's name?
A. Yeah. He used to use the trucks, SUV's.
Q. The let's take a look at government's Exhibit 341. Are you able to see 341 okay?
A. Yeah. That's me and Tommy Hillary. That's at his wedding.
Q. Now, how was it you came to be the best man there at the wedding?
A. Well, Raymond, Jr., was supposed to be his best man. I don't know if he didn't want to go or what he did. But he called me over to his house and he said, do me a favor, stand in for me proxy as Tommy's best man. So I did.
Q. It wasn't that you were so close that he chose you to be his best man?
A. No. He chose Raymond. That was his guy, you know.
Q. Okay. All right. Now, I had started to ask you just before the break about a restaurant or lounge or business called The Channel.
Do you remember that?
A. The Channel, yes.
Q. Okay. When was the first time you heard about The Channel?
A. One day Frank told me that his son was going to open up a club, get some bands and music, stuff like that, you know. And at that time I don't think there was a name of it. And I

forget the area in Boston because I'm not familiar with remembering areas. You know what I mean?
Q. Had you ever personally been to The Channel?
A. Yeah. I was there.
Q. So did Mr. Salemme in telling you that his son was going to get into this business indicate to you who he was going to become involved with at The Channel?
A. Yeah. Him and a friend of his Steven DiSarro.
Q. And that's the individual that you had told us about earlier that you had met with with the Guarino situation in I thought you said North Providence?
A. Yes.
Q. Did you know DiSarro to be somebody from the Providence area?
A. I learned that later.
Q. Okay.
A. I really didn't put it together at the beginning.
Q. All right. What did Mr. Salemme tell you relative to this club and them acquiring it?
A. The club would be good. We'd get some nice bands there. It would make money, you know.
Q. Were you supposed to be involved in it at all?
A. No. But, you know, if it does good, maybe you can earn a few dollars, you know.
Q. Okay. Did they ask you to do anything to assist them in

furthering that endeavor?
A. Well, they had to do a lot of work in there. So Frank asked me to go down to where I live in Providence to see a guy by the name of Gene Carlino. He owned Douglas Lumber. And he asked me to tell him he needed some lumber for doing all the remodeling.
Q. Did you approach Carlino?
A. Yeah. I went and told him. I told him -- they measured it. It was on paper how much lumber they needed.
Q. Do you know if Carlino's company ever came to deliver the lumber up there to The Channel?
A. Yeah. They did it. There was about I think around $50,000 worth of lumber.
Q. Any discussion with Mr. Salemme, Sr., concerning how they were going to finance the purchase of this club?
A. How they what?
Q. How they were going to finance the purchase of the club.
A. Yeah. He was going to see a man by the name of Frank Zammiello.
Q. And did you know Zammiello?
A. Yeah. I knew him. He was partners in land deals -- he was an electrician, but he was also partners in land deals with Raymond, Jr. He was with Raymond, Jr., at the time when they were doing the land deals.
Q. When you say "the land deals", are you making reference

to those developments in Lincoln that you were talking about?
A. Yeah. Bridlewood and Kendall.
Q. Okay. Do you know whether or not Mr. Salemme had any luck, so to speak, with Frank Zammiello?
A. Yeah. Zammiello took care of it.
Q. So that was your understanding that he assisted, Zammiello?
A. Yeah. He gave him the money.
Q. Okay.
A. That's what he told me.
Q. Now, you told us that you had been to the club, The Channel. Did you ever see Steven DiSarro present there at the club?
A. Yeah. I seen him a few times.
Q. Did you ever see Flemmi there at the club?
A. Who?
Q. Stephen Flemmi.
A. I might have seen him once or so. I don't really -- I'd imagine he would be there. He would go there.
Q. Did you know a person by the name of Roland Wheeler?
A. Roland Wheeler? I believe that was -- I believe that was Stephen's brother.
Q. Did you know him to have any role there at the club?
A. I don't know. I don't --
Q. How many times do you think you'd been in the club?

A. Could have been, could have been five or six, eight or ten, nine. It wasn't much.
Q. Okay. No more than ten?
A. Nah, I don't believe so. Most of the time was when they were remodeling it and getting it ready. You know.
Q. And would you see Frankie Boy there?
A. Oh, yeah.
Q. You would see Frankie Boy. You would see DiSarro. Did you ever see the father, Frank, Sr., there?
A. I only went with him. I never went alone.
Q. Okay. So any time you went there, you were with Salemme, Sr.?
A. Yes.
Q. Do you remember about when that was timing wise?
A. Had to be in '91 some time, '92. In between like, give or take months, you know.
Q. Okay.
A. In that area like, you know.
Q. Did there come a time that the frequency of your visits to Boston diminished, they came way down?
A. Yeah. That was around '92 some time.
Q. What caused that? Why did you stop going up there?
A. Well, we had a number business, and I was helping out with the number business, the figures and all that stuff. And I was told there was a lot of heat. Steve Flemmi come up

and said there was a lot of heat, and we got to get someone else to do this, a friend of his by the name of Brown. I don't know his first name.

So then we decided maybe it's better if we start splitting up a little, and I'll stay down in Rhode Island and they stay up here. You know. I didn't come up much. Not at all.

Q. Okay.

A. Most of the time I stayed in Rhode Island.

Q. So at that point in time when you sort of stopped coming up to Boston, did you continue to be in contact though with Frank Salemme?

A. Probably almost every day.

Q. Tell us how you would contact him. What was the procedure that you used to get in touch with him and pass messages and that sort of thing?

A. We would call. We had beepers. At that time there was a lot of -- the pay phones were a lot of call backs. You know. Some of them would just dial out, but some of them would dial out, and then I'd give you the number and you'd call me back.

Q. Some of us might not even be familiar with what you mean by a beeper.

A. The beeper, that was a long time ago. And it was like a phone number. And I'd call you, I dialed the number, and then I'd beep in numbers, say a telephone number. And you

call me back at that number.
Q. I see.
A. You couldn't put a message. You put a number.
Q. I gotcha.
A. So we had a code. If I needed him, I'd go to a phone that got a call back. So I would dial the number, and I'd put -- when his beeper would beep, I'd put the number where I'd want him to call me back and then I'd put 22. 22 was our code. So he knew this was Bobby calling, and he'd go to a phone. It didn't have to be a call back as long as he could dial out, and he called me back. And vice versa I'd do it with him.
Q. Did you regularly use pay phones?
A. Yeah. Because there was a lot of phones around. We'd go away from our area, make sure there were call backs.
Q. Just so we're clear, when you say a "call back", you said make sure there's call backs, do you mean a pay phone that would accept an incoming call?
A. Not all of them would, but you'd find the ones that would. You could call him back like a house phone. You know.
Q. I gotcha. I want to direct your attention if I can to September of 1992. Do you recall being contacted by Frank Salemme around that time, September of '92?
A. Well, yeah. Always, yeah.

Q. Well, did you get contacted in September of '92 about something that he wanted done?
A. September of '92, yeah.
Q. Do you recall the circumstances surrounding that?
A. Yeah. He beeped me, and we met. This Kevin Hanrahan, he told me that -- he told me that Kevin Hanrahan had to go. I says what happened. He said he's looking to kill me, you and Louie.
Q. Why?
A. I said he's looking to kill me, him, and Louie.
Q. You're talking about Louie Manocchio, Frank Salemme and yourself?
A. Yeah.
Q. Why was he looking to kill you, do you know?
A. I said why. Well, he said Raymond sent his son to give him some money. Raymond's the one that wants us killed and Hanrahan is going to do. He was with Raymond. He was an associate with Raymond. Raymond used him on a few things when he wanted guys killed.
Q. Hanrahan?
A. Hanrahan, yeah. So I said what is he doing this for? It's got to be over the cars.
Q. What do you mean it has to be over the cars?
A. Well, he had some old cars.
Q. Who did?

A. Raymond, Jr. In fact, Gene Carlino, the lumber guy, he had them at his house, and there was a couple of body shops where the other ones were.

Q. Okay.

A. We took the cars and sold them.

Q. Who is we?

A. Me and Frank.

Q. What do you mean you took the cars?

A. We took the cars from Gene, and we took the cars from the body shops and sold them.

Q. Were these Junior's cars?

A. Yeah.

Q. Was Junior incarcerated at the time?

A. He was incarcerated.

Q. I see.

A. He took them because when Frank got shot, Junior promised to pay his hospital bill, and he never did. So he took the cars -- I'm not sure, but I think they put a lien on his ex-wife's house or something, and he got it straightened out.

Q. Okay. So apparently Junior was mad that the cars had been taken. Is that fair to say?

A. Yeah.

Q. All right. Now, were these expensive cars?

A. Yeah. I think a Barracuda. I'm not sure. They were old, old, an old Chevy. In fact, there was even a

motorcycle, but we never touched that. He thought we did, but we didn't.

Q. Okay. So then what happened in this conversation with Frank about Hanrahan has to go? What was the result of that?

A. Make sure you go let Louie know. So I, left and I went to Louie, and I said here's what happened. I said I met Frank. He said this guy's got to go, he's looking to kill us. Here's what Raymond did. I told him the whole story.

So he said okay, tell him I'll get Eddie Lato, Rocco Argenti. They were two members of the family. Once I put them on it, they'll take care of it.

Q. All right. So do you leave it that way with Mr. Manocchio at that point?

A. Left it that way.

Q. What happened next?

A. Maybe a week or so, a week or so might have went by and nothing happened. You know, it wasn't easy to get this guy, I guess, because he was around a long time. He did a lot of things himself. He did a lot of murders himself.

He called me again, Frank. So I met him. And he said, listen, he said this guy, he's got to go. He says, I got a call from a friend of mine in Southie. I think he said the guy's name was Smitty. He told me that Hanrahan went and got some explosives to make bombs, and he was going to -- he had a partner, Almonte, Bobby Almonte.

Q. Who is this, Hanrahan?

A. Hanrahan did.

Q. Okay.

A. And supposedly he was going to have a bomb in a suitcase, a little briefcase. He was making dry runs -- and Louie Manocchio owned the restaurant. He's making dry runs in there, and he was supposed to leave the suitcase there. And then he was going to put a bomb on the door of the jewelry store because he knew I used to go open it in the morning.

You know, sometimes my sister, which was older, and my nephew, they used to open it. They could have opened it and got blowed up. Then he said that he had spotted him one night, I think it was the night before or something like that, and he was near his condo, near the dumpster, but he was dressed like a woman.

Q. Who?

A. Hanrahan. And he was supposed to make a bomb -- I don't know. This is what he told me, on a plane or something, and he would fly it through his picture window. And his wife and the kids are there, you know. So he's got to go.

So I went back and I told Louie the story. I says you can't wait no more. He said, all right, I'll get ahold of Eddie and Rocco, because he had tried a couple of different things but it didn't work. He said I'll get ahold of Eddie and Rocco, and it will get taken care of. I'll send

them to see you.
Q. Did it get taken care of, Mr. DeLuca?
A. Yeah. They come to see me and we took care of the whole situation.
Q. Where was Mr. Hanrahan shot or murdered or killed?
A. He was shot on Atwells Avenue.
Q. And who was responsible for that? Who did the shooting?
A. Rocco Argenti and Eddie Lato. Rocco is the one that shot him. Rocco passed away now.
Q. Where were you at the time that happened?
A. I was across the street sitting in a Bronco with another guy.
Q. And what was your role to be in this?
A. Just to make sure that it was done. He wanted me to get in touch with him right away and tell him it was done.
Q. Did you get in touch with him and tell him it was done?
A. Yeah. I believe it was on a Friday night, and I beeped him. We had different signals that everything's okay, you know. And -- or I might have called him. I might have called him and give him a call back number, and I might have just said things looks good, everything's okay. And then I met him that Monday and explained the whole situation to him.
Q. Okay. Now, did you continue to meet with or communicate with Salemme after the murder of Kevin Hanrahan?
A. Yeah. I'd meet him now and then. We'd talk a lot.

Q. All right. So that was -- you indicated that was in October of '92, is that right, that Hanrahan was killed?
A. October of '92, yes.
Q. I want to direct your attention now to May of 1993. Did you receive further instruction or another assignment from Frank Salemme, Sr.?
A. In May of '93?
Q. Yes.
A. Yes.
Q. How did that come about?
A. He beeped me, and he beeped me a time. If he beeped me 22 and then he put a time after it, that meant that that's what time he would meet me at this restaurant on Atwells Avenue, Christina's.
Q. And again that's the Hill as you call?
A. Atwells Avenue, up the Hill in Providence.
Q. And did you meet with him?
A. Yes, we met.
Q. Tell us about that. Tell us about that conversation.
A. We had a little talk about different things that was going on and everything. And then he said, you know, he said that Steve DiSarro, he said he's robbing us. I said he's robbing you? He says, yeah, he's robbing money out of the club and stuff. He's scamming money and stuff. I said, well, get rid of him.

Q. Okay.
A. I said, get rid of him, you don't need him, throw him out.
Q. What did he say in response to that?
A. I said, you know, he don't have nothing do with the club, he didn't put up no money. He said, yeah, don't worry, Frankie Boy will take care of that.
Q. And you knew Frankie Boy to be his son; is that correct?
A. Yes.
Q. All right. Now, after you had this dinner meeting with Salemme there at Casa Christine's, did something else happen relative to this person DiSarro?
A. Did something happen to him?
Q. No, no. Did something happen relative to DiSarro? In other words, did some other contact come about with Mr. Salemme?
A. And me.
Q. Yes, sir.
A. Yes.
Q. How did that come about?
A. Could have been a couple of days later or so. I can't tell you how long. I got a beep. So I went to the phone and I called him. I said what's up. So he said you and your brother be around tomorrow, he said, and make sure -- he said make sure you got a hole dug and you got some lime. He said

I'll be down with a package between 11 and 12 and where he was going to come.
Q. Where was he going to come?
A. He was going to meet at the White Cross Pharmacy in North Providence. That's at the corner of Charles Street and Mineral Springs Avenue.
Q. And what did you say in response to that, I'm going to bring you a package?
A. I said okay. What am I going to say?
Q. Were you alone?
A. No. My brother Joe was with me.
Q. Did you tell Joe about that?
A. Yeah.
Q. What did he say?
A. Why is he taking the package down here when he's up in Massachusetts? Why doesn't he get rid of it up there? What's he going to take it over here for?
Q. Okay.
A. So I told him what we had to do. Dig a hole where? We'll just throw it in the woods. You can't do that. If they find it, we're going to get killed, too.
Q. Okay. And so did you have further conversations with your brother concerning the disposal of this package?
A. Yeah. You know, we're thinking about what to do. So I went to look for a car the next day.

Q. This is the following day?
A. That morning I went to look for a car. And where I went they didn't have one. I went down to this kid I knew, good friend of mine, Billy Ricci, but he didn't have no car.
Q. Now, what kind of business was Billy Ricci in at the time?
A. He owned a big mill, and he had a lot of apartments -- not apartments, they were -- the lofts, yeah, loft apartments. You know.
Q. Why would you go to him for a car? Had you previously been to him for a car?
A. Yeah. He used to have a body shop. I used to borrow cars off him to drive around. You know, not to use my car. Old junks, nothing.
Q. And so did you strike out with Mr. Ricci as far as getting a car?
A. Yeah.
Q. What's the next thing that happened that morning?
A. Well, me and Joe talked, and Joe said he would go to meet him, meet Frank Salemme, but he would go alone.
Q. Why?
A. He said there's no sense in you coming too. He said if something happens, he said, you got two kids and stuff. He said, we don't need three guys to switch a body. He said I'll go by myself. I said the guy's going to get mad. Don't

worry, I'll take care of it. I said all right.

Q. Mr. DeLuca, did you have a plan at that point other than deciding that your brother Joe's going to go get the body? What's the plan?

A. There really wasn't no plan. But when I went down to Billy's and I asked him for the car, I happened to see they were doing an excavation job. Right in the back of the building there they were digging a hole with a backhoe. And that was on my mind, but it was -- you're trying to figure what you're going to do. You're thinking.

So anyways, Joe went and he met him. First of all we took the car, Harpo got a car and he took it. I had a friend of mine that lived off -- that had a jewelry place, they used to do costume jewelry, work on it. It was off Charles Street, but it was only like two minutes from where Frank was going to come with the body. And I went to see him.

Q. Who?

A. Tony Lorenzo that had the jewelry place.

Q. Okay.

A. And I said to him, can I park this car in your lot? I'm going to just leave it there. I need it tonight. We were close. We used to go to the track all of the time. Yeah, he said no problem. So we put the car there. So Joe went and he met him. They went back to where the car was. They

switched the body, put it in the trunk.

Q. Now, you weren't present for that, correct?

A. No. This is my brother Joe came back, and he told me exactly what happened.

Q. Okay. And after switching the body from one car to the other, what's the next thing that happened?

A. Then me and Joe talked, we said what are we going to do here. And we're thinking, and I said listen, and I told him about the hole that Billy was doing. So I said we might as well go down there and see Billy and ask him. I know Billy for 50 years. You know what I mean?

Actually he's kind of related on my mother's side way back. We went down and we talked to him, and we asked him can we use that hole -- we didn't actually tell him we were going to put a body -- If you got any brains, you know what we're doing. He knew really. We said can we use that hole, want to put something in it. Yeah, he said, do what you want.

So he said just make sure you put some sand and stuff over it. He said then tomorrow morning -- because his nephew was doing the excavation. He said tomorrow morning my nephew will never see it, and he'll just fill it in. Okay.

Q. Were there any other alternate plans proposed or discussed during the course of that conversation?

A. Yeah. Then Billy said, you know, he said, if you don't

want to go through that, he said, over there I got a big boiler, you can throw it in there.

Q. Why didn't you do that?

A. You're going to start smelling up the whole neighborhood and all that stuff. I said this is good enough, you know.

Q. Okay. Now you had a plan?

A. So we had that plan.

Q. What happened next?

A. So then next Joe said, listen, he said, I'll take care of this. He said I'm going to get Harpo, me and Harpo, and I I'll get Richard, Richard Cinquegrana. That's my nephew.

Q. Who is Richard?

A. He's my nephew, my sister's son. He was always with us, close to us. You know. So he said we'll handle it. You don't have to be around, you don't have to come. I said all right.

Q. So then if he's doing it now with Richard, and who else is going to be involved?

A. Richard, Joe, and Harpo.

Q. Who contacted Harpo to get him involved in this?

A. He knew what was going on. When he went and got the car, he knew what was going on.

Q. Who got him involved?

A. I called him and told him. He was with us every day. It was no surprise to him.

Q. All right. What happened next?
A. So then I said to him, okay, I said, when you're done make sure you call me and let me know that it's taken care of, and I'll meet you's. He said okay. So they waited until it got dark -- oh, I think Billy either -- he either gave them the keys to the side door or he left it open for him. Because there was a door you walked in, you went down a few stairs, and you was in like a basement. And then you had to walk up some stairs, metal stairs, and it took you outside. And that's where the hole was. So it was right on the side of the building. You know.
Q. Okay.
A. And --
Q. Did you hear from him after that? Did you hear from your brother after that?
A. It got dark, and then a couple of hours went by, and I didn't hear from him. So I started getting a little worried. I thought something happened. So I started heading up to my brother Joe's house. He lived up Charles Street, up kind of close to where that jewelry place was, you know.
Q. The jewelry place where you had left the car?
A. Where I left the car.
Q. All right.
A. So I'm driving up there and him and Richard's walking up Charles Street towards there. So I stopped. I said, what

are you's doing? Get in the car. Why didn't you get in touch with me? What are you doing walking? What happened was it took so long because we had to stay down in the basement because there was like from here to there like there's a house and it was all lit up, and it had all the parking lot lit up. He said, we didn't want them to see us carrying something up and throwing it in the hole.

Q. Okay.

A. So we had to wait. And then Charlie had to leave because the car started smelling. He had to go wash it out and clean it out and stuff.

Q. Charlie being Harpo?

A. Harpo, yeah. Charlie, Harpo.

Q. Mm-hmm.

A. So I said, all right, was everything -- did everything go okay? He said yeah. He said on top, we were carrying it up the stairs, we tripped, we fell. All that kind of stuff. I said okay. Oh, he told me -- Frank had told him make sure you take the stuff off, the tarpin [sic] off him.

Q. The what?

A. The tarpin [sic], whatever he was wrapped in, and check his pockets, make sure there's nothing in them. So that was taken care of. He said but tomorrow morning Harpo's going to wake up Billy early, 5:.00 because Harpo gets up 4, 4:30 and goes to the paper stores. And he says, and Billy's going to

go over and start covering it. Okay.

So we went and took a ride at Dunkin' Donuts. I don't know if Richard came with us or if we dropped Richard off at home, whatever it was, but we went to Dunkin' Donuts. And we had a code. I beeped him, beeped Frank to let him know everything's all right because I know I'm going to see him the next day, you know. And then the next morning Billy started filling it in. And that was the end of that.

Q. Okay. Now, you had mentioned that Frank said something about get the tarp and get any i.d. or anything out of the pockets. Did Joe do that? Did he get the tarp?

A. No.

Q. How do you know that?

A. He told me he didn't.

Q. Was that of concern to you?

A. Well, yeah, after it was.

Q. Why? Why after? What happened?

A. Because if something ever happened and they found it and it's there, and you're not doing what you're told, you got a problem.

Q. All right. And as a result of that concern did something happen?

A. Well, the next day I was contacted by Frank, and he came down and he met me.

Q. Where did you meet? Do you remember?

A. He met me at the jewelry store. And he wanted to know where it was. Now, where the jewelry store was, it was right near there. It was only down the street. So I said we'll take a ride by. So we did.

Q. Just so we're all clear because it can get confusing. The jewelry store that you're making reference to is where you had an office and --

A. Yeah. Me and my nephew Frank, that's the store we had.

Q. Not Tony Lorenzo's?

A. No. This is International Jewelers on Mineral Spring Avenue.

Q. So he comes there, and tell us about that conversation.

A. So he comes there, I jump in the truck with him, and he wants to go by and see where the body's buried. So we did. I said it's over here. He said is it deep. Yeah, I says, it must be 12-15 feet deep, I guess, I don't know. Who did it? Me, Joe, and I think I told him Harpo.

I never said nothing about Billy knowing anything or my nephew because I didn't want him to know that they knew anything.

Q. Why didn't you want him to know that Billy Ricci or your nephew --

A. Because I didn't want to jeopardize them, that they knew something and start thinking crazy and get those two guys killed. You know what I mean? I didn't tell him that I

wasn't there.

Q. Did the defendant know Harpo?

A. He knew Harpo good. Harpo came every day up in Boston with us. And I didn't tell him I wasn't there. So he said did he take the tarpin [sic] off. I said yeah. Was there anything in his pockets? Nope, they were empty. He said, did you put the lime. I said, yeah, I went and got three bags, I went to different places so get it. So I didn't get it all in one stop.

Q. What was the point of the lime?

A. I guess it would eat it away, and if you ever found it it wouldn't be there. I never put no lime. I didn't say that. I didn't tell him. I didn't get no lime for it.

Q. And you didn't get the tarp?

A. And the tarp was still on.

Q. Was he satisfied at that point?

A. Yeah, he was happy about it. And then he told me what happened.

Q. Well, what did he tell you happened?

A. He said that him, Jackie, and Frankie Boy was there. And they got Steve DiSarro there. And Frankie Boy strangled him and killed him. And while Frankie Boy strangling him and killing him, the Nice Guy walked in on him.

Q. And did he confirm for you that that was Steven DiSarro?

A. Yeah. He said it was Steven DiSarro, he told me that's

who it was.
Q. Okay.
A. And he said, he wasn't just stealing money, he was giving information. He was an informant. He was giving information to Mr. Wyshak.
Q. Now, as it relates to this incident in the house itself, who did he say actually did the strangling?
A. At that time he told me Frankie Boy.
Q. Okay. And how did he go about telling you this? In other words, what was his emotional state over telling you this?
A. Frankie Boy got him, you know, he picked him up, he strangled him, he killed him. Jackie helped him wrap it up. They threw it in the --
Q. You mentioned Jackie. Did Jackie have a nickname, too?
A. Middle.
Q. Middle. And you indicated that "the Nice Guy walked in".
A. The Nice Guy, that's what we used to call Steve Flemmi.
Q. Why did you call Flemmi the Nice Guy?
A. He come out as a nice gentleman, very quiet. You know. So that was the name they put on him, this is the Nice Guy.
Q. And what about this name Middle for Jackie? Why Middle, do you know?
A. The middle brother or something. When he called me, he'd say how's Middle Two doing. That meant my brother Joe or

something.
Q. Okay. Now, was there a second subsequent conversation with Frank concerning the murder of DiSarro?
A. Yeah. Probably a couple of weeks later, maybe a couple of weeks later or something.
Q. What did he tell you during that conversation?
A. Well, he told me that -- I think he said the State Police -- I don't know if he said the State Police or the FBI, they went and see Paul Weadick.
Q. Was he concerned about that?
A. He didn't seem too concerned. But I said, Paul Weadick, I said, what did he have to do with it. I guess he thought he told me, but -- he said, he's the one that took Steve DiSarro to the house. And when Frankie Boy's strangling him, he's holding him by his legs. Frankie Boy just picked him right up, you know, like a big -- you know.
Q. Was Frankie Boy a big guy?
A. Yeah. He was big.
Q. Okay. Now, did you know this guy Weadick?
A. I seen him around. Used to hang with Frankie Boy.
Q. He wasn't a made guy though, was he?
A. No.
Q. How did you know him? Who did you associate him with?
A. He was Frankie Boy's friend.
Q. The police were questioning, according Salemme, the

police were questioning Weadick. Was he nervous about that?
A. Not really.
Q. Now, at some point in time you became detained as a result of being indicted; is that correct?
A. Yeah.
Q. And were you housed at any point in time with Frank Salemme?
A. Yeah, we were. In Plymouth.
Q. And when you were there in Plymouth with Frank Salemme, did the topic of the DiSarro disappearance come up again?
A. Yeah. He told me that they went to see this Paul Weadick again.
Q. Who is they?
A. I don't know if it was State Police, FBI, whoever was investigating it went and see him. He said, they went and seen him again. I said, well, what happened. I says, you -- he says, I'm not worried about, he's okay, he'll stand.
Q. What did that mean to you, "he'll stand"?
A. That he's not going to say nothing.
Q. Okay. Now, Mr. DeLuca, you had previously been questioned about your involvement with the disposal of Mr. DiSarro; is that correct?
A. Yes.
Q. And, in fact, on a number of occasions. Is that fair to say?

A. Yes.
Q. Do you recall being subpoenaed into the grand jury?
A. Yeah. In 2004. I think it was 2004.
Q. Do you recall any of the questions that were asked of you when you were before the grand jury?
A. Yes.
Q. Can you tell us what some of those questions related to?
A. The DiSarro murder, to Hanrahan.
Q. And did you admit under your grand jury testimony at the time in 2004 knowing anything about the DiSarro murder?
A. I said I didn't know nothing about it. I lied.
Q. When you were called into the grand jury, where were you living?
A. I was in prison in Otisville.
Q. Is that a federal correctional facility?
A. Yes. New York.
Q. Now, subsequent to your appearances -- and there was more than one appearance before the grand jury. Is that accurate?
A. I think it was -- it was two, at least two.
Q. What happened at the first one?
A. The first one I just pleaded the Fifth.
Q. And then did the government have you immunized?
A. Yes. Mr. Wyshak had me immunized, and I went back the second time.
Q. But you still lied about the DiSarro murder?

A. I still lied.
Q. Then in 2011 do you recall being approached by the FBI?
A. Yes.
Q. And what did you learn about in 2011 when they approached you?
A. I was indicted.
Q. And as a result of being indicted, did the FBI extend to you any sort of proposals?
A. Yes, they did.
Q. And what was that?
A. They asked me if I'd help them with the case, and I agreed to it.
Q. What were they investigating at the time?
A. They were investigating the strip clubs, gambling, the strip clubs, the extortion.
Q. And you agreed to assist; is that correct?
A. I agreed to help them, yes.
Q. Now, incident to that approach by the FBI, do you recall meeting with government prosecutors for interviews about what your information was and concerned?
A. Afterwards, yes.
Q. When you say afterwards --
A. After I cooperated, yeah.
Q. And one of the things that the prosecutors asked you during those interviews was whether or not you had any

information concerning the DiSarro murder; is that correct?
A. Yes.
Q. And you said you did not, correct?
A. I told them I did not.
Q. Why did you -- You're in the position of being able to cooperate here, and you've got a proffer letter. Why did you lie?
A. Well, I didn't want to -- If I told you I knew about it, I felt as though I was giving up my brother, putting my brother in trouble. And at the same time I just had two little kids, my son, my daughter. My son was one years old. My daughter was two and a half. And I didn't want to go away and leave them, which here I am.
Q. When you say here you are that's because you were indicted for lying to the government during the course of that interview; is that right?
A. Mm-hmm.
Q. Okay. Now, as it relates to your cooperation back in 2011, what did that cooperation consist of?
A. It consisted of -- I told you whatever I knew.
Q. Understood. You undertook interviews, correct?
A. Yes.
Q. Extensive interviews?
A. Yep.
Q. But in addition to just interviewing with the FBI, did

you do anything else to assist them in their investigation?
A. I wore a wire.
Q. And how many times did you wear a wire?
A. Quite a few.
Q. And who did you wear the wire against?
A. Different guys, a lot of different LCN members and associates.
Q. Okay. And what were the nature of the offenses that you were assisting the FBI in investigating?
A. What did I get?
Q. No, sir. What were the nature of the crimes? What kind of crimes?
A. Oh. Extortion, gambling. Whatever we do.
Q. And how long of a time was it that you met with the FBI and wore a body recorder and assisted in furthering their investigation?
A. Quite a few months, I guess, you know. And then afterwards I still, you know, whenever they needed to know something, they'd call me and I assisted them.
Q. And that included wearing a wire. Now, this was -- these were primarily LCN and LCN-related associates. Is that fair to say?
A. Yes.
Q. Do you know was anybody -- if you know, was anybody charged as a result of your cooperation?

A. Everyone. Everyone I talked to was charged.
Q. If you know, what were the results of those cases?
A. They were all -- they all pled out.
Q. Were there any high ranking LCN people that you cooperated against?
A. High ranking?
Q. Were there any?
A. Yes. Yes.
Q. What positions did those folks hold?
A. Captains, bosses, underboss.
Q. When you say bosses plural, who were the two bosses that you cooperated against?
A. Well, Anthony from up in Boston, I'll think of his name, Cheeseman is his brother there. He was acting boss. Louie, he was acting, he was and he wasn't, he was. You know. After he knew he was getting indicted, that's when he stepped down. He was really the boss.
Q. When Louie stepped down, who was elevated to the boss position?
A. Anthony became -- no. Limone, Peter Limone became boss for a while. Then he stepped down because he pled out. And then Anthony became acting boss because his brother was still the boss supposedly while he was in prison.
Q. This is the Cheese Man you said?
A. Please?

Q. This was the Cheese Man you said?
A. Yeah. He was still the boss supposedly while he was in prison.
Q. What was the Cheese Man's real name, do you recall?
A. Carmen DiNunzio, DiNunzio. And it was Anthony DiNunzio.
Q. All right. That case that you cooperated on, what was the result of that? What did the government end up recommending for you as a result of that cooperation?
A. In the end they recommended time served.
Q. Okay. Now, in addition to the time served, were there some steps taken by the FBI to assist in your security?
A. Yes.
Q. And what did they do?
A. They moved me to a new place, and they helped me for about another nine, ten months to get on my feet, me and my wife and kids. And then we got, you know, we got going, me and my wife. She worked as a hair dresser, and I used to go out and do different things. I used to go down the flea market and do this and that. I worked. And we lived.
Q. And did there come a time that that life changed for you?
A. Yes.
Q. What happened?
A. I got arrested.
Q. For what?
A. For lying.

Q. And when you say for lying, for lying about what, sir?
A. For lying about the DiSarro murder and other things.
Q. And, sir, were you detained as a result of being arrested?
A. Yes.
Q. And are you to this day detained?
A. I'm still detained, yes.
Q. Now, in addition to -- Well, let me ask you this:

What was the resolution of the charge of you lying and obstructing justice concerning those lies about DiSarro that you told us?
A. What was the --
Q. What did you do with that case? Bad question.

Did there come a point in time that you came to court relative to that charge?
A. Yes.
Q. What did you do?
A. I pled guilty.
Q. And was that to both counts of the indictment?
A. Yep.
Q. Now, as it relates to that plea of guilty to that indictment, did you enter into a cooperation agreement with the federal government?
A. I did.
Q. All right. I want you to take a look at government's

Exhibit 301. Can you see that okay?
A. It's a little blurry. I really know what it is. I can read it.
Q. Okay. I can have it blown up if you think that would be better. Why don't you blow that up, ma'am.
A. Uh-huh.
Q. Do you recognize this document now?
A. Yep.
Q. What do you recognize that to be?
A. That was my change of plea when I pleaded guilty.
Q. So this is the plea agreement between you and the government; is that correct?
A. Yes.
Q. Could you go to the last page.
A. Yeah.
Q. All right. Do you see the last page?
A. Yep.
Q. Is that your signature there?
A. It is.
Q. And is that your lawyer's signature below that?
A. It is.
Q. And did you enter into this agreement with the assistance of counsel?
A. I did.
Q. Okay. And is this a complete copy of the plea agreement

between you and the government?
A. Yes.
MR. FERLAND: I'd like to move it in as a full exhibit, please.
MR. WEINSTEIN: No objection.
MR. CROWE: No objection.
THE COURT: Admitted.
(Government Exhibit No. 301 admitted.)
BY MR. FERLAND:
Q. Now, in addition to the plea agreement, I want you to take a look at government's Exhibit 302. Could you blow that up, please.
A. Yes.
Q. Do you recognize that?
A. I do.
Q. What do you recognize it to be?
A. It's another agreement. It's another agreement I made.
Q. And that's the cooperation agreement that relates to your appearance here today; is that correct?
A. Positively.
Q. And what's your understanding as to what is promised you as relates to this agreement?
A. What's promised me?
Q. Yeah.
A. Nothing.

Q. Well, has the government committed to bringing to the Court's attention your cooperation in this case?
A. Well, you know, try to help me, just that I cooperated. But I have no agreement.
Q. As far as a fixed number; is that correct?
A. Right.
Q. All right. But clearly you've entered into this agreement with the understanding that the government --
A. Of course I want help if I can get it.
Q. Right. And, in fact, not only did you negotiate a plea agreement with the United States, but you also entered into a plea agreement with the State of Rhode Island concerning that Hanrahan case; is that correct?
A. Yes. Yep.
Q. Did you plead guilty to the conspiracy to commit the murder of Kevin Hanrahan?
A. I did.
Q. And did you sign an agreement with the State of Rhode Island concerning that?
A. I did.
Q. Can you show us 303, please.

Do you recognize that?

A. I do.
Q. And what do you recognize that to be?
A. That's the plea agreement I signed.

Q. With who?
A. With the State of Rhode Island.
Q. What is the sentence, maximum sentence you face as a result of that plea agreement in the State of Rhode Island?
A. I could get a maximum sentence up to ten years.
Q. And what promise was made as to how the sentence in the state case would run with the sentence in the federal case?
A. Concurrent.
Q. Meaning the same time?
A. At the same time.
Q. All right. Let me ask you this: Is this a complete the agreement, sir? Go to the signature page.
A. Yes.

MR. FERLAND: I'd like to move it in and the state agreement in as full exhibits.

MR. CROWE: I'd just like to reserve the rights on the spillover objection made earlier.

MR. WEINSTEIN: No objection.

THE COURT: Yes. It's admitted.

(Government Exhibit Nos. 302 and 303 admitted.)

MR. FERLAND: I just need a moment, Your Honor.

BY MR. FERLAND:

Q. Mr. DeLuca, I forgot to ask you, as it relates to the extortion case that was brought against you in 2011 in Rhode Island, did you tell us that you were sentenced to a day?

A. No. No. I didn't. I said time served. But I was sentenced to a day, and I was arrested for the day, and that's why the judge says time served.

Q. And was there some -- that was the sentence, correct?

A. Yes.

Q. Now, you had previously been convicted in '95?

A. Yes.

Q. Of RICO-related offenses, right, Racketeering Influence Corrupt Organization?

A. Yes.

Q. And that also involved allegedly extortion, correct?

A. Yes.

Q. And of course those aren't the only times that you've been convicted of crimes, correct?

A. No. I had a lot of gambling crimes I was convicted of when I was younger. You know. Stuff like that.

Q. Okay.

MR. FERLAND: I have nothing further, Your Honor.

CROSS EXAMINATION

BY MR. WEINSTEIN:

Q. Good afternoon, Mr. DeLuca.

A. Good afternoon.

Q. You have a young daughter, correct?

A. Yes.

Q. Is her name Alexandra?

A. Yes.
Q. She's now about 11 years old?
A. She's 10. She's going to be 11.
Q. You have a young son, correct?
A. Yeah.
Q. Named John Robert?
A. John Robert.
Q. He's about nine years old?
A. He'll be nine in February.
Q. And you love them very much?
A. Love them more than anything.
Q. They are the most important people in your life, correct?
A. Yep. I have two other children that's just as important.
Q. And those children are now in their adulthood, around 40 and 50 years old?
A. Yes, they are.
Q. And it's the two young children that you want to be back with as soon as possible, correct?
A. I want to be back with the four of them.
Q. Of course when you talked with the government, you said it was just the two young children that you want to be back with?
A. I can't hear you too good.
Q. Do you remember that, Mr. DeLuca?
A. Do I remember what?

Q. That when you spoke with the government the first time and said you have two young kids that you want to be back with?
A. I said I didn't want to leave the two young kids at the time. I didn't want to leave the two young kids at the time.
Q. And you want to be back with them as soon as possible, correct?
A. Correct.
Q. You were arrested in June of 2016, correct?
A. I was arrested, yeah, June of 2016.
Q. You remember the date as June 27 of 2016?
A. I thought it was the 26th, but it's the 27th, I guess.
Q. That's the last time that you were actually a free man, wasn't it?
A. That's it.
Q. Since then you've been in jail?
A. Yep.
Q. You were are in jail first in the State of Florida after you were arrested?
A. For a week.
Q. And then you were brought up to Massachusetts, correct?
A. Yeah. Brought to Plymouth, yeah.
Q. And you've been detained in the jail in Plymouth, Mass?
A. Yeah.
Q. Formal name is what, the Plymouth County Correctional

Facility?
A. Yeah.
Q. Nicknamed or shortened as PCCF. You know that name?
A. Yeah.
Q. And most recently you've been in a federal prison, correct?
A. Correct.
Q. A facility that is preferable to the place in Plymouth?
A. Yeah.
Q. Before you were arrested you were living in the State of Florida, weren't you?
A. Yep.
Q. You'd been living there with your young wife Gina?
A. Yep. With my wife Gina, yeah.
Q. And with your two young children?
A. Yes.
Q. You had a nice place. It had a swimming pool, did it?
A. No, we didn't have no swimming pool.
Q. Since you were arrested your wife Gina has indicated to you that she wants a divorce from you, correct?
A. Yep.
Q. And your main concern when you learned that Gina wanted to divorce you was that you wanted to be able to see your young children, correct?
A. Of course. When I get out I want to see my kids.

Q. You were concerned when you were first told by Gina that she wanted to divorce you that you'd be able to see your children when you got out of jail?
A. Yes.
Q. You told her in no uncertain terms she wasn't going to keep those children from you, correct?
A. I don't remember if I said that.
Q. Say that again. You told her in no uncertain terms in telephone calls while you were locked in at Plymouth that she wasn't going to keep you from seeing your kids, didn't you?
A. Is that how I told her?
Q. That's what you told her, Mr. DeLuca.
A. I don't remember. Can you show it to me? Can you she me that?
Q. Do you know, Mr. DeLuca, that those telephone conversations between you and whoever you spoke with while you were in prison were recorded?
A. Are recorded. Yeah, because --
Q. You know, do you not, Mr. DeLuca, you know, do you not, Mr. DeLuca, that when you spoke with Gina, she told you she wanted to be divorced from you --
A. Yeah.
Q. Your response, among many others, was that she would not keep you from seeing your children?
A. Did you read that?

Q. Do you understand my question, Mr. DeLuca?
A. I understand it, but I don't remember saying it.
Q. The question is --
THE COURT: Stop interrupting him.
BY MR. WEINSTEIN:
Q. My question is did you not tell Gina that she would not keep you from seeing your children?
A. I don't remember.
Q. Before this time in prison beginning in June of 2016, you'd spent time living in prisons earlier in your life, hadn't you?
A. I spent time living -- yeah, I was in prison.
Q. In prison you don't get to choose the clothes that you want to wear every day, do you?
A. Nope.
Q. Not like today where you were given a special outfit to wear to come into court, correct?
A. I was, yeah.
Q. When you're in prison you have to go to sleep according to the schedule that the prison sets for you, correct?
A. Yep.
Q. You have to wake up when they tell you to wake up?
A. Mm-hmm.
Q. You have to eat prison food?
A. Yeah.

Q. You don't get to choose from a menu of your own liking, do you?
A. No.
Q. Sometimes you get to cook your own foods, correct?
A. Yeah.
Q. But that's only if you can buy something that's a little bit better than what the prison is going to give you, right?
A. Yes.
Q. You don't get to see visitors whenever you want to, do you?
A. No.
Q. You can only see visitors when the prison let's you, correct?
A. Yes. Certain days.
Q. And you can only see people that have been approved by the prison for you to visit with?
A. Yes.
Q. When you're living in prison as you have, you're only living with other men, correct?
A. Correct.
Q. You don't get to hug your children every night before they go to bed, do you?
A. No.
Q. You don't get to kiss your children good night before they go to bed, do you?

A. No. I kiss their pictures.
Q. More than anything else, Mr. DeLuca, you want to be free so you can again be with your young children?
A. What's that question?
Q. More than anything else, you want to be free so you can be back again with your children?
A. Yes.
Q. Sometime early in 2016 you learned that the FBI was digging in the ground behind Billy Ricci's property in North Providence, Rhode Island, didn't you?
A. Yes.
Q. Did you learn that from Artie Coloian?
A. I don't know if he told me or who told me, but eventually he might have said something to me.
Q. Artie Coloian is a lawyer in Rhode Island, correct?
A. Yes.
Q. A fellow that at times had been your lawyer?
A. Yes.
Q. And at times had been a business associate of yours?
A. I wouldn't say he was my business associate.
Q. You did things with Artie, didn't you?
A. I what?
Q. You did things with Artie, didn't you?
A. I worked for him.
Q. And do you remember that Artie Coloian called you in the

early months of 2016 and told you that Billy Ricci had been arrested?
A. He probably did amongst other people.
Q. And Mr. Coloian cold you early in 2016 that Billy Ricci was going to cooperate with the feds, didn't he?
A. Mr. Coloian told me that?
Q. My question to you is --
A. No, he never told me that Billy Ricci was cooperating with the feds.
Q. So it is your assertion here today that you did not learn from Artie Coloian that Billy Ricci was going to cooperate with the feds?
A. Artie Coloian never told me that Billy Ricci was cooperating with the feds. I didn't know Billy Ricci was cooperating with the feds until they started digging.
Q. And before there was any publicity about the digging, you did receive a phone call informing you that Mr. Ricci was giving information to the FBI about the body that was left behind Ricci's property?
A. Before the digging? Is that what you said, before the digging?
Q. That was my question.
A. No. Never knew.
Q. Did you first learn that the FBI was digging behind Ricci's property from your brother Joe?

A. I really can't tell you who really told me.
Q. Did you speak about --
A. I might have seen it on the Internet.
Q. On the Internet?
A. I might have. I don't know. I really can't tell you.
Q. When you saw it on the Internet, if that's where you saw it, did you think to yourself I might have a problem?
A. I didn't think I might have a problem. I knew I was going to have a problem.
Q. When you saw it on the Internet, did you know that not only would you have a problem but your brother Joe might have a problem?
A. Possibility.
Q. And did you talk with your brother Joe about the fact that the FBI was digging behind Ricci's warehouse?
A. I might have, yeah.
Q. Well, did you or did you not?
A. Probably a conversation, yeah, they're digging behind Billy's place.
Q. And did you call Joe or did Joe call you?
A. I couldn't tell you that.
Q. Stop for a moment, please, and think back to 2016. And think back to the first time that you and your brother Joe talked about the fact that the FBI was digging behind Ricci's property. And my question now is did you call him or did he

call you?
A. I don't know.
Q. You did talk with him though?
A. Yeah.
Q. How many times at the end of March of 2016 did you talk with your brother Joe about anything?
A. I don't know.
Q. How many times did you talk with your brother Joe about the fact that the FBI was digging behind Ricci's property?
A. I couldn't tell you.
Q. Well, what is your best memory going back only to March of 2016 of the number of times before you were arrested that you talked with your brother Joe about the fact that the FBI was digging behind Ricci's property?
A. I don't know.
Q. What's your best memory? You must have a best memory, sir.
A. Probably a few times. Really I can't answer that question. It's a --
Q. Did you place calls to Joe in March of 2016?
A. I probably did. I called Joe all the time.
Q. Did you call your brother Joe almost every day in March of 2016?
A. I can't answer that question. I don't know if I did or not.

Q. What's your best memory about whether or not you called your brother Joe almost every day in March of 2016?
A. I have no memory of how many times I did it.
Q. What's your best memory of how many times your brother Joe called you in March of 2016?
A. I don't know.
Q. What's your best memory?
A. I have none.
MR. WYSHAK: Asked and answered about ten times.
THE COURT: I'll give you one more.
BY MR. WEINSTEIN:
Q. Do you have a memory as to whether you called your brother Joe at the end of March more than six times?
A. I have no memory as far as that.
Q. Do you have any memory as to whether your brother Joe called you more than six times at the end of March of 2016?
A. I can't answer a number because I don't know.
Q. Do you have any memory at all of how many times in March of 2016 you and your brother talked about the fact that the FBI was digging behind Ricci's property?
A. No.
Q. But there's no doubt that you talked about it?
A. We probably had a conversation, yeah.
Q. And you knew that you and Joe had to get a story straight, didn't you?

A. There was no story.
Q. In March of 2016, you had a problem as related to the body that was behind Ricci's warehouse, right?
A. Yeah.
Q. Joe might have had a problem as well, correct?
A. Maybe.
Q. You knew that for years and years leading up to March of 2016 that you would have a problem if Mr. DiSarro's body was ever found, correct?
A. Umm --
Q. You knew that, didn't you?
A. From when? Could you repeat that question, please?
Q. You knew from May of 1993 right through March of 2016 that you would have a problem if Mr. DiSarro's body was found behind Ricci's property?
A. Possibly, I guess.
Q. You knew that your brother Joe might have a problem if any time between 1993 and March of 2016 Mr. DiSarro's body was found?
A. I thought so, yes.
Q. You also knew that you would have a problem as related to the death of Kevin Hanrahan?
A. Yes.
Q. You knew you would have a problem that could involve you being charged with murder?

A. Well, conspiracy, yes.
Q. You knew you would have a problem because you ran the risk of being charged with the murder of Kevin Hanrahan, didn't you?
A. Or conspiracy, yes.
Q. Well, you pled guilty to conspiracy. But my question to you, Mr. DeLuca, is whether you knew that you could be charged with the murder of Kevin Hanrahan.
A. No.
Q. You never knew that?
A. I never knew I could be charged with the murder because I didn't murder him.
Q. You mean you didn't put the gun behind his head and pull the trigger. That's what you mean when you say you didn't murder him, correct?
A. Correct.
Q. But the crime of murder could involve people, and you know this, do you not, who act together with those who actually pull the trigger, correct?
A. I don't know.
MR. WYSHAK: Objection. He continues to interrupt the witness.
MR. WEINSTEIN: I don't continue anything, Mr. Wyshak.
THE COURT: Stop. Stop.

MR. WYSHAK: I object.

THE COURT: I hear you, Mr. Wyshak. Please sit down.

Mr. Weinstein, please try not to interrupt him.

BY MR. WEINSTEIN:

Q. You knew, did you not, Mr. DeLuca, that you could be charged as a principal in connection with the murder of Kevin Hanrahan?

A. Not really. I didn't know that, no.

Q. Did you know that you could be charged as an aider and abetter in connection with the murder of Kevin Hanrahan?

A. I knew I could be charged with conspiracy.

Q. So is it your answer then that you did not know you could be charged as a principal or as an aider and abetter in the murder of Kevin Hanrahan?

A. No. I thought I could be charged with conspiracy.

Q. And is it your testimony that you never knew that you could face the possibility of life in prison for your role in the murder of Kevin Hanrahan?

A. I thought that was a possibility.

Q. You also knew, did you not, Mr. DeLuca, that you had a problem as related to the prosecutors that are here in this courtroom now?

A. A what?

Q. The prosecutors that are here in this courtroom now.

A. Could you repeat that question, please?
Q. You knew, did you not --
A. I can't hear you that good.
Q. You knew, did you not, in March of 2016 that you could have a problem with the prosecutors, Mr. Ferland and Mr. Wyshak?
A. That I could probably have a problem?
Q. That's my question.
A. No. I knew I was going to have a problem.
Q. And you knew that because you had lied to Mr. Ferland, correct?
A. And I lied to Mr. Wyshak.
Q. You lied to Mr. Wyshak, correct?
A. Yes.
Q. And that they had provided in their role as federal prosecutors certain benefits to you not knowing you had lied to them?
A. I never got no benefits from Mr. Wyshak.
Q. You knew in March of 2016 that the federal prosecutors are interested in building cases against La Cosa Nostra members?
A. I knew they were interested in building cases? Yeah, they're always interested in building cases.
Q. And you knew that in April and May and June of 2016, correct?

A. Yeah.
Q. And you knew that before you were arrested in Florida, correct?
A. Yes.
Q. And you knew that in addition to building cases against members of La Cosa Nostra, federal prosecutors are also interested in building cases against the leaders of La Cosa Nostra?
A. Sure they do.
Q. And you knew that they were interested in building cases against capos or captains in La Cosa Nostra?
A. They'll build a case against anybody, I guess, if they did something wrong.
Q. And building cases against anyone who was identified as a boss of La Cosa Nostra, correct?
A. Yeah.
Q. You knew from your experience back in 2011 that you could save yourself from a long federal prison sentence by cooperating against members of La Cosa Nostra?
A. Did I know? I didn't know for sure nothing.
Q. So in 2016 it's correct, is it not, that you had received a benefit as a result of the cooperation that you provided to the federal government in a case in Rhode Island that began in 2011?
A. In 2016?

Q. Your state of mind, Mr. DeLuca, in 2016 included, did it not, the knowledge that you acquired from your cooperation back in 2011?

A. In 2016 I didn't even know if they would talk to me.

Q. In 2016 you had already received a benefit as a result of cooperation that you had provided to the government in the Rhode Island case that began in 2011, correct?

A. No. I didn't get nothing in 2016. I didn't receive nothing in 2016. I don't know where you got that.

Q. Were you not involved in a federal case in Rhode Island?

A. Yes, I was.

Q. That began in 2011?

A. Yes.

Q. And did that case not end for you in 2014?

A. Yeah, I think it was around there, yeah.

Q. And in that case did you not cooperate with the federal government?

A. I did.

Q. Did you not snitch against other people that were involved in La Cosa Nostra?

A. I think they did it to themselves.

Q. Well, did you provide the information to the government?

A. I did, but they did, too.

Q. And part of how "they did, too" is because they spoke to you while you were wearing a wire?

A. That is correct, sir.
Q. And in your community, the community you used to live and work in, that's called ratting, is it not?
A. Yeah, I guess you can call it that.
Q. And you considered yourself at that time to be among the rats?
A. Yeah.
Q. And in 2011 do you recall the circumstances of your first conversations with the FBI?
A. In 2011 -- could you repeat that question?
Q. In 2011 do you recall the circumstances of your first conversations with the FBI?
A. Yeah.
Q. Do you recall that you spoke with two agents?
A. Yes, I did.
Q. One of them was named Degnan or Deenan?
A. Joseph Degnan.
Q. And the other one was named Cady?
A. Jeff Cady.
Q. And Mr. Cady is somebody that you've had a fair amount of interaction with in the last two years in connection with this matter, correct?
A. Yeah.
Q. The FBI agents, Degnan and Cady, found you, did they not, in February of 2011 at the Twin River Casino?

A. That's where I got arrested, yeah.
Q. And they asked you, did they not, to come with them out of the casino?
A. Yes.
Q. They told you that they had a warrant for your arrest?
A. They had an indictment.
Q. And they also told you that you had been indicted?
A. Yeah.
Q. And they told you you had been indicted for racketeering?
A. Umm --
Q. RICO charge?
A. I think they said I was indicted for extortion.
Q. You were invited, were you not, to leave the casino with the agents?
A. They arrested me.
Q. Did they put handcuffs on you in the casino?
A. No. They arrested me.
Q. They walked you out the door, correct?
A. Nope.
Q. They carried you out the door?
A. No.
Q. They invited you to follow them out the door?
A. No.
Q. They invited you to go back to the FBI office with them?
A. No. I was in the casino, and they called me.

Q. You spoke with them on the phone?
A. On my phone. They asked me to come outside. They didn't want to come in and embarrass me, and I walked out to the parking lot. And when I did I thought they just wanted to talk to me, and when I did they said, you know, we have an indictment for you. And they arrested me.
Q. And did they not begin to invite you to be a cooperator for them and with them?
A. They asked me if I wanted to cooperate.
Q. And you thought about that, correct?
A. I did.
Q. And thought it would be something that would be to your advantage?
A. I really didn't think about it that way.
Q. They made an agreement, did they not, that you would be released from the FBI office and not go to jail that day?
A. I was there for a few hours, and then they said to me -- I said I don't know what I want to do. And they said we'll give you the weekend to decide.
Q. So they didn't hold you in custody then over that weekend?
A. Not the whole weekend, no.
Q. They kept you a couple of hours while they talked with you?
A. I was there quite a few hours.

Q. How many hours?
A. I don't remember, but it was -- it got dark out, I believe, before I got out of there.
Q. So it got dark, but you didn't spend the night in a prison jail cell, did you?
A. Not overnight, no.
Q. You didn't spend the night in a jail cell at the FBI headquarters?
A. Not overnight, no.
Q. You didn't spend an overnight in any prison cell or jail cell in the State of Rhode Island after they called you out of Twin Rivers Casino, correct?
A. No.

MR. WEINSTEIN: I'm going to move into an area that will take some time.

THE COURT: Are you suggesting we recess?

MR. WEINSTEIN: Actually I am. I didn't realize it was only five minutes. If you want me to go five, I'll go five. My watch is not synchronized to that clock.

THE COURT: Would you like to stop now?

MR. WEINSTEIN: No. Let me start and I'll get a document in.

THE COURT: Thank you.

BY MR. WEINSTEIN:

Q. Mr. DeLuca, I'm going to show you a document, the last

page of a document. If that could be shown just to the witness.

Do you see the bottom of the document, Mr. DeLuca?

A. Yes.

Q. Does it bear your signature on the top on the left?

A. Yes.

Q. And the date is February 17 of 2011?

A. Yes.

MR. WEINSTEIN: Judge, I move this into evidence. I'm told there's no objection.

MR. FERLAND: No objection.

MR. CROWE: No objection.

THE COURT: That's fine.

MR. WYSHAK: Is there an exhibit number?

MR. FERLAND: Would that be defendant's A.

MR. WEINSTEIN: Why don't we start at 500. Is that fair?

MR. FERLAND: Usually we run the defendant's exhibits as alphabetical.

THE COURT: No.

MR. WEINSTEIN: Mr. Ferland, are we okay with calling it 500?

MR. FERLAND: I'm fine with calling it 500.

(Defendant Exhibit No. 500 admitted.)

BY MR. WEINSTEIN:

Q. Page 3 of that document that you signed states that you understand that pending criminal charges against you will be dismissed without prejudice to the United States.

It goes on to say that you fully and completely understand that criminal charges will be filed against you in the future. And it goes on to say that you further understand that you will be released today.

And that's what we talked about just a few minutes ago, correct, Mr. DeLuca?

A. Uh-huh.

Q. You made additional agreements with the federal government to maintain in person and telephone contact with agents of the FBI, correct?

A. Yeah.

Q. And understand that you must comply and follow all directions and orders given to you by agents of the FBI?

A. Yeah.

Q. And you further agreed that the directions and orders will include using and wearing electronic devices to record audio conversations?

A. Yeah.

Q. And you did that?

A. What's that?

Q. You did that?

A. Did I do it?

Q. Yeah.
A. Yeah.
Q. Both in person and by telephone and to record video images?
A. Uh-huh.
Q. And you further agreed that you understood that you cannot advise any other person except your lawyer that you were cooperating with agents of the FBI, correct?
A. Yep.
Q. And you followed that, correct?
A. Uh-huh.
Q. And the last sentence was, "I further understand that I cannot commit any future violations of state or federal law." Correct?
A. Yep.
Q. Do you see that now on the screen?
A. Yeah.
Q. The last sentence there you understood that you cannot commit any future violations of state or federal law?
A. Yep.
Q. So you understood and agreed to everything in that paragraph, correct?
A. Yeah.
Q. You performed in compliance with that agreement to everything except the last sentence, correct?

A. When was this agreement?
Q. You saw it a moment ago. February 17 of 2011.
A. Yeah.
Q. Do you see it now?
A. Yeah.
Q. So from February 17 of 2011 to today, have you violated any state or federal laws? Yes or no.
A. I guess so.

MR. WEINSTEIN: I have no further questions for the afternoon but will resume tomorrow.

THE COURT: That's fine. Let's resume tomorrow. Usual instructions. Keep an open mind. No social media. No conversations or communications. No homework which is your own research.

THE CLERK: All rise.

THE COURT: See everyone tomorrow at 9:30.

(The jury exits the courtroom.)

THE COURT: Counsel, the administrative matter that we've talked about this morning I'm going to take care of now. Do you all want to be present for that or no?

MR. WEINSTEIN: We're okay.

MR. WYSHAK: That's fine.

MR. SHEA: We're fine with that.

MR. WYSHAK: It's just that one?

THE COURT: Yes.

MR. SHEA: I just quickly wanted to -- I just wanted to lodge my objection on the Hanrahan spillover as to the questions from co-defendant.

THE COURT: Yes.

MR. SHEA: Thank you.

MR. WYSHAK: Your Honor, before we break, I reminded Mr. Weinstein this morning that the government had requested reciprocal discovery in this case as far back as its automatic discovery letter. We haven't been provided any discovery at all by either defendant. And if I'm reading the tea leaves properly, they seem to have some evidence regarding the change to the premises at 14 Marie Avenue.

So I'm requesting specifically if they have any documents or photographic evidence that they intend to use, we're entitled to receive it.

THE COURT: You all know your reciprocal discovery obligations, and I trust will comply therewith. For the other witnesses where you all want daily transcripts, you've got to give Joan a little bit more notice. In order to do that, she really needs two court reporters. It was on such short notice today that it's just her.

MR. WEINSTEIN: I know you're looking in my direction.

THE COURT: No, I'm not. I'm looking out.

MR. WEINSTEIN: Because we have a clear

understanding that the government was going to notify the court reporters.

THE COURT: She has to line up a second reporter in able to handle it.

MR. WYSHAK: I understand, Your Honor. It was my fault.

THE COURT: Fine. Whose ever fault it is, I'm just requesting going forward that you give her a little bit more notice.

MR. SHEA: The only individual, I believe, is Mr. Flemmi.

MR. FERLAND: And that won't be until next week.

MR. CROWE: Could we have batting order direction so we know what's coming?

MR. WYSHAK: I think after Mr. DeLuca we have Becky Geiger and then Roland Wheeler.

THE COURT: That will take us through the week?

MR. WYSHAK: Oh, no. Tomorrow. I don't know how much cross there will be on DeLuca, but following him is Geiger and Wheeler. Then we have the New Hampshire law enforcement officer Matthews, FBI agent Brian Rossi, Michael Dezotell.

THE COURT: All right.

MR. CROWE: Thank you.

MR. SHEA: Thank you.

THE COURT: See everyone tomorrow.

THE CLERK: Court is adjourned.

(Court recessed at 1:38 p.m.)

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CERTIFICATION

I certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter to the best of my skill and ability.

/s/ Joan M. Daly — May 29, 2018

Joan M. Daly, RMR, CRR
Official Court Reporter

Date